

CITY OF FRANKLIN
COMMON COUNCIL MEETING**
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, OCTOBER 2, 2012, 6:30 P.M.

- A. Call to Order and Roll Call
- B. Citizen Comment Period
- C. Approval of Minutes
 - 1. Approval of regular meeting of September 18, 2012.
- D. Hearings
- E. Organizational Business
 - 1. Boards and Commissions Appointments
 - a. Mary Remington-Parks Commission-Dist. #2.
- F. Letters and Petitions
 - 1. Letter from United States Senator Herb Kohl regarding Midwestern Disaster Area Bonds.
 - 2. Letter from United States Senator Ron Johnson regarding contact information for current U.S. Senate activities.
- G. Reports and Recommendations
 - 1. Consent Agenda
 - a. Donations to the Fair Commission from Food On the Move in the amount of \$200 and Marko Gerovac, Sr. in the amount of \$220.
 - b. Reschedule Common Council meeting of November 6, 2012.
 - c. Trick or Treat Schedule for 2012.
 - 2. Resolution to allow the City of Franklin Police Department to become the primary PSAP (Public Safety Answering Point) for cellular 9-1-1 calls through the use of selective routing.
 - 3. Issuance of building permit for the Wheaton Franciscan Medical Office Building Development on S. 27th Street north of W. Wheaton Way prior to completion of traffic impact analysis and final storm water management approval.
 - 4. Standards, Findings and Decision of the City of Franklin Common Council upon the application of David W. Behrens, Principle of GreenbergFarrow Architecture, Inc., for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.
 - 5. Resolution conditionally approving a Land Combination for Tax Key Nos. 757-9990-000 and 757-9991-000 (7236 S. 68th Street and 7242 S. 68th Street) (James Richey, applicant).

6. Resolution authorizing certain officials to execute a development agreement with the People's Choice Corporation for sanitary sewer and water main extension for the proposed Hampton Inn Suites to be located north of W. Rawson Avenue and west of S. 76th Street.
7. Resolution for an Urban Forestry Grant Program for 2013 Emerald Ash Borer Response Project.
8. Reject award of contract to the low bidder, LaLonde Contractors, Inc., for the installation of concrete sidewalk on S. 51st Street from W. Minnesota Avenue south 2,200 feet to the entrance to Clare Meadows.
9. Committee of the Whole Recommendations
 - A. Mayor's recommended 2013 Budget (including all funds, departments, revenues, expenditures, and activities).

H. Licenses and Permits

1. Miscellaneous Licenses.

I. Bills

1. Vouchers and Payroll approval.

J. Adjournment

*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

**Notice is given that a majority of the Plan Commission, and Forward Franklin Economic Development Commission may attend this meeting to gather information about an agenda item over which the Plan Commission, and Forward Franklin Economic Development Commission has decision-making responsibility. This may constitute a meeting of the, Plan Commission, and Forward Franklin Economic Development Commission per State ex rel. Badke v. Greendale Village Board, even though the Plan Commission, and Forward Franklin Economic Development Commission will not take formal action at this meeting.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

October 4	Plan Commission	7:00 p.m.
October 9	Special Committee of the Whole	6:30 p.m.
October 16	Common Council	6:30 p.m.

- RES. 2012-6837
LAND COMBINATION
NICHOLAS MAZOS
AND JUNE MAZOS
- G.4. Alderman Taylor moved to adopt Resolution No. 2012-6837, A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 930-0006-000 AND 930-9995-003 (4416 WEST OAKWOOD ROAD AND 4625 WEST OAKWOOD PARK DRIVE) (NICHOLAS MAZOS AND JUNE MAZOS, APPLICANTS). Seconded by Alderman Schmidt. All voted Aye; motion carried.
- RES. 2012-6838
LAND COMBINATION
5C INVESTMENTS LLC
- G.5. Alderman Taylor moved to adopt Resolution No. 2012-6838, A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 930-0006-000 AND 930-9995-003 (4625 WEST OAKWOOD PARK DRIVE AND 4416 WEST OAKWOOD ROAD) (5C INVESTMENTS LLC, APPLICANT). Seconded by Alderman Wilhelm. All voted Aye; motion carried.
- SPECIAL EXCEPTION
DAVID W BEHRENS
- G.6. Alderman Skowronski moved to table to the October 2, 2012 Common Council meeting, the Standards, Findings and Decisions of the City of Franklin Common Council upon the application of David W. Behrens, Principle of GreenbergFarrow Architecture, Inc. for a Special Exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- CHANGE ORDER NO. 1
W OAKWOOD RD.
- G.7. Alderman Taylor moved to authorize the City Engineer to sign Change Order No. 1 for the W. Oakwood Road water main extension from 400 feet west of S. 34th Street to 4,200 feet west of S. 34th Street and 1,000 feet north in an easement from W. Oakwood Road to W. Oakwood Park Drive, Project 2011-WU101 for a reduction in cost of \$4,574.24, reducing the cost from \$509,187.00 to \$504,612.76 due to a reduction in actual quantities used. Seconded by Alderman Solomon. All voted Aye; motion carried.
- SANITARY SEWER
AND/OR WATER MAIN
S 76TH ST.
- G.8. Alderman Solomon moved to direct staff to proceed with the necessary action to extend sanitary and/or water main in the areas without such facility located on the west side of S. 76th Street between W. Puetz Road and W. Faith Drive in advance of the reconstruction of S. 76th Street in 2014 by Milwaukee County with the understanding that a special assessment public hearing will be necessary prior to proceeding and to inform the property owners of this decision. Seconded by Alderman Skowronski. All voted Aye; motion carried.
- RES. 2012-6839
STORM WATER
MANAGEMENT BASINS
- G.9. Alderman Schmidt moved to adopt Resolution No. 2012-6839, A RESOLUTION AWARING A PROPOSAL TO CERTIFY CERTAIN STORM WATER MANAGEMENT BASINS. Seconded by Alderman Skowronski. All voted Aye; motion carried.

- MMSD PRIVATE PROPERTY INFILTRATION/INFLOW PROGRAM – S 36TH ST. G.10. Alderman Wilhelm moved to authorize staff to begin meeting with the property owners on S. 36th Street between W. Madison Boulevard to W. Missouri Avenue to discuss the proposed Private Property Infiltration/Inflow Program in their area. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- EMERGENCY MEDICAL SERVICES AGREEMENT G.11. Mayor Taylor’s the draft Emergency Medical Services Agreement for Paramedic Services between Milwaukee County Department of Health & Human Services and the City of Franklin for the period 2012-2016 which includes a \$1.5 million supplemental payment contingent upon a “Performance Measure Plan”.
- 2013 BUDGET G.12. Alderman Skowronski moved to forward consideration of the Mayor’s 2013 Recommended Budget to the Committee of the Whole meeting on October 1, 2012. Seconded by Alderman Solomon. All voted Aye; motion carried.
- REVISED SUMMARY PLAN DESCRIPTION – EMPLOYEE HEALTH & WELFARE BENEFITS G.13. Alderman Skowronski moved to adopt the Summary Plan Description of the Employee Health and Welfare Benefit Non-Grandfathered Plan, with technical corrections, and Amendment #1 as presented, to direct the Director of Administration to bring further revisions prior to the end of 2012, and to authorize the Plan Administrator, within the scope of his authority and responsibility, to interpret the revised Plan language, during 2012, with consideration for prior Plan language and to use prior Plan language and coverage levels if necessary to resolve disputes or appeals. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- MISCELLANEOUS LICENSES H.1. Alderman Solomon moved to grant the following licenses:
Temporary Entertainment & Amusement and Temporary Class B Beer and Wine for St. Paul’s Lutheran School, Fundraising Gala (Tami Pautz), 6881 S. 51st Street, October 6, 2012;
Class B Combination License (expires 6/30/2013) for Rock Sports Complex, LLC, Samantha Skeen, Agent, 7900 W. Crystal Ridge Drive, subject to surrender of the Class B Combination issued to Crystal Ridge, Inc.;;
and Extraordinary Entertainment & Amusement (9/28/2012 through 10/28/2012) for Rock Sports Complex, LLC, Samantha Skeen, Agent, 7900 W. Crystal Ridge Drive, subject to staff’s additional work to make this acceptable to the License Committee and compliance with City ordinances; and
Coin Machine Operator to A-S Amusements, Inc. (Agim Zejneli, Owner), 8655 Golden Field Drive, Oak Creek.
Seconded by Alderman Taylor.
Alderman Solomon withdrew his motion and Alderman Taylor withdrew his second.

LICENSES-
CONTINUED

It was then moved by Alderman Solomon to grant the following licenses:

Temporary Entertainment & Amusement and Temporary Class B Beer and Wine for St. Paul's Lutheran School, Fundraising Gala (Tami Pautz), 6881 S. 51st Street, October 6, 2012;

Class B Combination License (expires 6/30/2013) for Rock Sports Complex, LLC, Samantha Skeen, Agent, 7900 W. Crystal Ridge Drive, subject to surrender of the Class B Combination issued to Crystal Ridge, Inc.;

Coin Machine Operator to A-S Amusements, Inc. (Agim Zejneli, Owner), 8655 Golden Field Drive, Oak Creek.

Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I.1. Alderman Schmidt moved to approve net City vouchers in the range of Nos. 14426 through 144396 dated September 18, 2012 in the amount of \$2,455,682.44. Seconded by Alderman Skowronski. On roll call, all voted Aye. Motion carried.

Alderman Skowronski moved to approve net payroll dated September 7, 2012 in the amount of \$349,428.58. Seconded by Alderman Solomon. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 8:25 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/02/12
ORGANIZATIONAL BUSINESS	Boards and Commissions Appointments	ITEM NUMBER <i>E. l. a.</i>

Several terms of offices on various Boards and Commissions have or will be expiring. The Mayor may have appointments for Council confirmation:

Parks Commission

Mary Remington, 7600 S. Chapel Hill Drive, term expires 4/30/13

Pauls

4252428

City of Franklin
9229 West Loomis Road
Franklin, Wisconsin 53132

VOLUNTEER FACT SHEET

Thank-you for your interest in serving on a City Board, Commission, or Committee. In order that consistent information be provided to the Common Council, you are asked to complete the following:

PERSONAL:

Name Mary Remington
 Address 7600 S Chapel Hill Dr
 Phone Number 425 0318
 E-Mail mremington@gpsemployment.com
 Length of Time a Franklin Resident All my life
 Alderman or District Number #2

AREA OF INTEREST: Please check the line next to the Board, Commission or Committee or area of greatest interest. If listing more than one, please prioritize your top three choices (3 being least priority).

- | | |
|---|--|
| <input type="checkbox"/> Architectural Review Board | <input type="checkbox"/> Civic Celebrations Commission |
| <input type="checkbox"/> Community Development Authority | <input type="checkbox"/> Finance Committee |
| <input type="checkbox"/> Environmental Commission | <input type="checkbox"/> Forward Franklin Economic Development Comm. |
| <input type="checkbox"/> Fair Commission | <input type="checkbox"/> Board of Health |
| <input type="checkbox"/> Fire and Police Commission | <input checked="" type="checkbox"/> Parks Commission |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Plan Commission |
| <input type="checkbox"/> Personnel Committee | <input type="checkbox"/> Board of Review |
| <input type="checkbox"/> Board of Public Works | <input type="checkbox"/> Board of Water Commissioners |
| <input type="checkbox"/> Technology Commission | <input type="checkbox"/> Waste Facility Siting Committee |
| <input type="checkbox"/> Board of Zoning and Building Appeals | <input type="checkbox"/> Waste Facilities Monitoring Committee |

Why are you interested in joining this (these) particular Board and/or Commission?

It's where I choose to spend much of my spare time - so I see how the Park System is utilized & what could be improved

VOLUNTEER OR WORK EXPERIENCE

(Begin with your most recent employment and continue with all past 10 years of employment. Please attach additional paper or include resume, if available.)

Company Name: QRS Employment Group	Address: 13935 Bishops Dr Brookfield	Telephone: 262 754 6316
Date started: 1996	Starting Position:	
Date left: —	Position upon leaving: VP + Chief Party Officer	
Description of duties: Accounting + Finance		

Company Name: H + R Block	Address:	Telephone:
Date started: 1981	Starting Position:	
Date left: 2000	Position upon leaving:	
Description of duties: Tax Preparer		

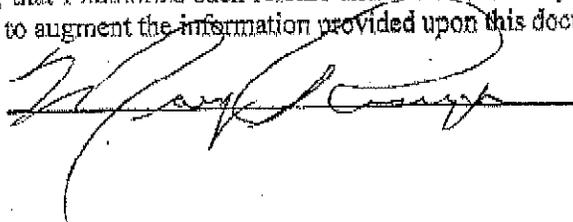
Company Name:	Address:	Telephone:
Date started:	Starting Position:	
Date left:	Position upon leaving:	
Description of duties:		

ADDITIONAL EXPERIENCE OR QUALIFICATIONS: List any other experience, skills, or other qualifications, including hobbies, which you believe should be considered in evaluating your qualifications for volunteering.

I was raised on a farm here and am a 5th generation of lifelong Franklin residents - I know the city and all the green areas well.
Dog Walking in Parks - Canoeing - Biking - Travelling

I am aware that all of the information provided and this document itself is a public record which will be released to a requestor; that I authorize such release and that I waive any right to any notice of such release and/or any right of notice to augment the information provided upon this document upon such request or release.

Signature:



Date:

9/19/12

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HERB KOHL
WISCONSIN

WASHINGTON OFFICE:
330 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5653
<http://kohl.senate.gov/>

United States Senate

WASHINGTON, DC 20510-4903

August 29, 2012

F.I.

COMMITTEES:
APPROPRIATIONS
JUDICIARY
SPECIAL COMMITTEE
ON AGING
BANKING, HOUSING, AND
URBAN AFFAIRS

9/4/12

The Honorable Thomas M. Taylor
Mayor
City of Franklin
9299 W. Loomis Road
Franklin, Wisconsin 53132

Dear Mayor Taylor:

Thank you for taking the time to let me know about your support to extend the availability of Midwestern Disaster Area Bonds beyond this year. I apologize for the delay in getting back to you and appreciate your input on this matter.

As you know, Wisconsin and other states became eligible for tax-exempt financing bonds to support economic development projects under the Heartland Disaster Tax Relief Act of 2008. This bill was passed in response to severe storms and flooding that took a toll on many Wisconsin communities in summer of 2008. The Midwestern Disaster Area Bonds are set to expire on January 1, 2013 and have not been fully utilized.

I have heard from many communities and organizations in Wisconsin that would benefit from extending the Midwestern Disaster Area Bonds program for two or more additional years. I am in touch with our state officials on this issue and will keep your thoughts in mind as Congress addresses tax incentives that are scheduled to expire at the end of this year.

Again, I appreciate you being in touch with me about this issue. Please feel free to contact me again.

Sincerely,



Herb Kohl
United States Senator

HK: sta

MILWAUKEE OFFICE:
310 WEST WISCONSIN AVENUE
SUITE 950
MILWAUKEE, WI 53203
(414) 297-4451
T.T.Y. (414) 297-4485

MADISON OFFICE:
14 WEST MIFFLIN STREET
SUITE 207
MADISON, WI 53703
(608) 264-5338

EAU CLAIRE OFFICE:
402 GRAHAM AVENUE
SUITE 206
EAU CLAIRE, WI 54701
(715) 832-8424

APPLETON OFFICE:
4321 WEST COLLEGE AVENUE
SUITE 370
APPLETON, WI 54914
(920) 738-1640

LA CROSSE OFFICE:
205 5TH AVENUE SOUTH
SUITE 216
LA CROSSE, WI 54601
(608) 796-0045

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F.2.

United States Senate

WASHINGTON, DC 20510

8/24/12

August 17, 2012

Mayor Tom Taylor
7325 West Forest Home Avenue
Greenfield, WI 53220

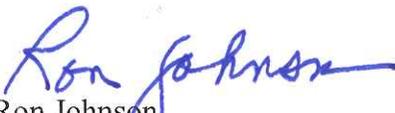
Dear Mayor Tom Taylor,

Thank you for your patience regarding the scheduling request you sent to my office. I am aware that your invitation for me to visit with Milwaukee County Intergovernmental Cooperation Council (ICC) was submitted some time ago, and I apologize for any delay in providing you an answer.

I primarily ran for office because of America's dire financial situation. Unfortunately, far too many Americans are not aware of how urgent the problem truly is. As a result, my focus over the next few months will be to inform and educate citizens throughout Wisconsin and across the country. It is essential that all Americans understand not only the fiscal realities in Washington, but the principles of individual liberty and limited government that made America great.

I am committed to hearing from and meeting with the people of Wisconsin, and look forward to making that happen with you when my schedule permits. In the meantime, please feel free to contact my staff: State Scheduler alexandra_hittle@ronjohnson.senate.gov; or my Regional Director in your area, diana_robertson@ronjohnson.senate.gov, who can stay in touch with you, gather information from you on my behalf, and keep you informed about current senate activities.

Thank you,


Ron Johnson
United States Senator

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<p>APPROVAL <i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 10/02/12</p>
<p>Reports and Recommendations</p>	<p>Donations from Food On the Move in the amount of \$200 and Marko Gerovac, Sr. in the amount of \$220 to the Fair Commission</p>	<p>ITEM NUMBER <i>1.a.</i></p>

The City of Franklin Fair Commission has received donations from Food On the Move in the amount of \$200 and Marko Gerovac, Sr. in the amount of \$220 to be used for the promotion of the St. Martin's Fair.

COUNCIL ACTION REQUESTED

Motion to accept the donation of \$200 from Food On the Move and \$220 from Marko Gerovac, Sr. to the Fair Commission to be used for the promotion of the St. Martin's Fair.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/02/12
REPORTS & RECOMMENDATIONS	Reschedule Common Council meeting of November 6, 2012	ITEM NUMBER <i>G.I.B.</i>

Due to the General Election on November 6, 2012, the Common Council may wish to reschedule the Common Council meeting.

COUNCIL ACTION REQUESTED

Motion to reschedule November 6, 2012 Common Council meeting to November 13, 2012.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/02/12
REPORTS & RECOMMENDATIONS	Trick or Treat Schedule for 2012	ITEM NUMBER <i>G.I.C.</i>

Following are the dates and times established for Halloween Trick-or-Treat observance by the surveyed surrounding communities:

- Oak Creek - Sunday, October 28, 4-6 p.m.
- Greendale - Sunday, October 28, 4-7 p.m.
- Hales Corners - Sunday, October 28, 4-7 p.m.
- Greenfield - Sunday, October 28, 1-4 p.m.
- Muskego - Wednesday, October 31, 6-8 p.m.

(Last year Franklin established Sunday, October 30 2011 from 4:00 p.m. to 7:00 p.m. as Trick-or-Treat observance. As an added note, the Green Bay Packer game is scheduled for 12:00 noon on October 28, 2012).

COUNCIL ACTION REQUESTED

Motion to establish Sunday, October 28, 2012 from 4:00 p.m. to 7:00 p.m. as the date and time for the Halloween Trick-or-Treat observance in the City of Franklin.

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APPROVAL <i>She</i>	REQUEST FOR COMMON COUNCIL RECOMMENDATION	MEETING DATE 10/02/2012
REPORTS AND RECOMMENDATIONS	Resolution to allow the City of Franklin Police Department to become the primary PSAP (<u>P</u> ublic <u>S</u> afety <u>A</u> nswering <u>P</u> oint) for cellular 9-1-1 calls through the use of selective routing.	ITEM NUMBER <i>G.2.</i>

Selective routing would allow the City of Franklin Police Department to be the primary answering point for cellular 9-1-1 calls, thus reducing the delay in providing assistance to those callers. Currently cellular 9-1-1 calls are first routed to the Milwaukee County Sheriff's Department where they are answered and then transferred to the proper agency where the emergency exists or the last known longitude and latitude coordinates. The delay in the proper agency receiving the call varies and is reliant on the caller knowing where they are and the Milwaukee County Dispatcher knowing jurisdictional areas/borders along with taking control of the call.

The following steps, coordinated through AT&T, are necessary for the City of Franklin Police Department to become the primary PSAP for cellular 9-1-1 calls:

- The City of Franklin passing a resolution for the City of Franklin Police Department to become a stand-alone PSAP for Phase II wireless communication, refer to §256.35(3m)(c)6.
- Primary wireless call routing would be formally requested (in the form of a letter) from all wireless providers.
- Call routing worksheets would be initiated in which it would be determined which cell towers would cover our geographical boundaries.
- Wireless providers would initiate the changes in call routing along with a bevy of test calls.

The financial impact of selective routing to the City of Franklin Police Department is an annual expense of approximately \$5,139. This operational amount has been submitted and approved in the 2012 City of Franklin Police Department budget and has been submitted in the 2013 City of Franklin Police Department budget.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution 2012-_____, a resolution to allow the City of Franklin Police Department to be the primary PSAP for cellular 9-1-1 calls.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2012-_____

FRANKLIN POLICE DEPARTMENT TO BECOME A PRIMARY WIRELESS
9-1-1 PUBLIC SAFETY ANSWERING POINT (PSAP)

WHEREAS, the City of Franklin Police Department operates a stand-alone PSAP, including a secondary Phase II communication center for the City of Franklin, and

WHEREAS, the City of Franklin is committed to providing the highest quality of service to its residents, and

WHEREAS, the location of any person calling for assistance using a wireless telephone is critical information necessary to insure prompt and efficient public safety response, and

WHEREAS, wireless telephones are capable of providing this information to properly equipped public safety answering points (PSAPs), and

WHEREAS, the City of Franklin will have such equipment and be fully capable of receiving wireless calls, calculating and mapping the caller's actual location, and

WHEREAS, the State of Wisconsin has adopted legislation providing an opt-out of the county designated PSAP, allowing municipalities to receive the wireless 9-1-1 telephone calls directly, and

NOW, THEREFORE, BE IT RESOLVED that the Franklin Common Council directs the police department to opt-out of the county PSAP and to implement a primary wireless 9-1-1 public safety answering point in the City of Franklin, Wisconsin, in accordance with Wisconsin State Statute 256.35(3m)(c)6.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012 by Alderman _____.

Passed and adopted by the Common Council of the City of Franklin on the ____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>Slw</i>		10/2/12
Reports & Recommendations	SUBJECT: Issuance of building permit for the Wheaton Franciscan Medical Office Building Development on S. 27 th Street north of W. Wheaton Way prior to completion of traffic impact analysis and final storm water management approval	ITEM NO. <i>G.3.</i>

BACKGROUND

The approval of the development of the Wheaton Franciscan Medical Office Building was conditioned on the final traffic impact analysis for W. Wheaton Way and the approval of the storm water management plan. The developer has requested that the Common Council allow the building permit to be issued prior to the completion of the traffic impact analysis and the storm water management plan.

ANALYSIS

Staff has no objection to the issuance of a building permit at this time as long as the final storm water management plan and traffic impact analysis is completed within 90 days and the owners agree to amend the development agreement if so required.

OPTIONS

Approve

or

Table

FISCAL NOTE

None.

RECOMMENDATION

Motion to authorize the issuance of a building permit for the Wheaton Franciscan Medical Office Building prior to the approval of a storm water management plan and a traffic impact analysis with the condition that both be completed within 90 days and that if improvement relative to the traffic impact analysis are required that the development agreement will be amended to cover the additional improvement.

JMB/sg

Ron Romeis

From: Boecker, Ron L. [Ron.Boecker@wfhc.org]
Sent: Monday, September 24, 2012 1:05 PM
To: Ron Romeis
Subject: FW: Common Council Agenda Request-October 2, 2012: FW: Wheaton Traffic Analysis

Importance: High

Hi Ron, I mentioned your name in the e-mail below but failed to cc you when I sent it. I apologize if my oversight caused you any issues.

Best regards,

Ron Boecker
Vice President – Construction and Facility Services
Wheaton Franciscan Healthcare
400 W. River Woods Parkway
Glendale, WI 53212
(414) 465-3122
ron.boecker@wfhc.org

*They need
a bldg permit
for utility install?*

*Jack,
How are we to
proceed?*

Ron

From: Boecker, Ron L.
Sent: Monday, September 24, 2012 12:55 PM
To: Orrin Sumwalt (osumwalt@franklinwi.gov); Baumgart Fred (fbaumgart@franklinwi.gov); JBennett@franklinwi.gov
Cc: Tim Clancy (tclancy@concord-cc.com); Matt Prince (mattp@rileycon.com)
Subject: Common Council Agenda Request-October 2, 2012: FW: Wheaton Traffic Analysis
Importance: High

Hi Orrin, Fred and Jack,

Due to the unrealistic time frame given to obtain both DOT and City approval for the Traffic Impact Analysis (TIA) prior to the City issuing a building permit, I respectfully request that Wheaton Franciscan Healthcare be provided an opportunity to appeal to the Common Council on October 2, 2012. It is my intent to request the TIA condition related to the special use approval be reconsidered so my Team will be able to obtain the building permit within the time frame that is aligned with the published construction schedule.

With respect to the TIA, we have submitted the initial traffic development review to the DOT for review and comment two weeks ago and we continue to wait for a response. Upon receipt of their response Traffic Design Analysis will complete the TIA within seven days and then submit the TIA to the DOT for a final review, which will take a minimum of four weeks.

With respect to the remaining items required to obtain the building permit:

- The revised Conservation Easement was submitted to the City on September 18, 2012, for review and approval.
- The revised Storm Water Management Plan will be submitted today for review and approval.
- A copy of the executed amendment to the Development Agreement was e-mailed to the City on September 11, 2012.
- It is my understanding that Riley Construction is currently reaching out to Mr. Romeis for the purpose of scheduling a meeting later this week to dialogue around the permit set that is ready to be submitted this week as well.

- I presume the Letter of Credit pertains to the TIA. Given the DOT has yet to indicate whether or not a signal light is required, I recommend that we address this matter at the time the DOT completes their review of the TIA.

Please understand my office will continue to engage the DOT and the City regarding the TIA and will support and implement whatever direction is required by the DOT on this front.

Kindly advise if my request to appeal to the Common Council on October 2, 2012 will be granted.

Thank you.

Best regards,

Ron Boecker

Vice President – Construction and Facility Services
Wheaton Franciscan Healthcare
400 W. River Woods Parkway
Glendale, WI 53212
(414) 465-3122
ron.boecker@wfhc.org

From: Jack Bennett <JBennett@franklinwi.gov>
Date: September 7, 2012 3:12:06 PM CDT
To: 'Tim Clancy' <tclancy@concord-cc.com>
Cc: Tom Taylor <tom2563@att.net>, Planning <Planning@franklinwi.gov>, Inspection <Inspection@franklinwi.gov>
Subject: RE: Wheaton Traffic Analysis

We will issue a footing and foundation permit, but will not be able to issue the full building permit until the development agreement has been approved by the Common Council, a letter of credit is approved by the City Attorney, the storm water management plans is approved by the City's consultant and the DOT has indicated that a traffic signal is not warranted.

The City approval is conditioned on the above and staff can not vary from this. If you don't find this acceptable, your only choice is to take this back to the Common Council for revision of the approval.

From: Tim Clancy [<mailto:tclancy@concord-cc.com>]
Sent: Friday, September 07, 2012 11:52 AM
To: Ron Romeis
Cc: 'Boecker, Ron L (Ron.Boecker@wfhc.org)'; Nick Fuchs; Orrin Sumwalt; Fred Baumgart; John Duggan; Jack Bennett
Subject: Wheaton Traffic Analysis
Importance: High

Mr. Romeis

Please see attached the initial traffic development review prepared by Traffic Analysis & Design Inc. for the Wheaton Franciscan Medical Office Building development. This information is being submitted to WisDOT today.

Traffic Analysis & Design's findings conclude that no improvements are expected to be required at the intersection of Wheaton Way and 27th Street upon buildout of the MOB (Section F Capacity Analysis).

Traffic Analysis & Design will complete the Traffic Impact Analysis (TIA) based on this initial report and WisDOT's comments.

On behalf of Wheaton Franciscan Healthcare and Ron Boecker we are asking that the City of Franklin not hold up issuing the building permit while the TIA is being finalized.

Wheaton will continue to work with the City to assure that the TIA is completed in accordance with State Guidelines. Wheaton will also work with the City and WisDOT to implement any necessary improvements identified in the final TIA.

Waiting to issue the permit until completion and WisDOT approval of the TIA will be detrimental to the success of this project. Wheaton Franciscan Healthcare appreciates the cooperation received from the City to date and hope that you continue to work with us to deliver a successful development.

Please call if you wish to discuss further or arrange a time to meet in person.

Tim Clancy
Senior Project Manager
The Concord Group
Construction Consultants
330 East Kilbourn Ave
Suite 565
Milwaukee, WI 53202
414.225.5305 office
414.305.8675 cell
www.concord-cc.com

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">10/02/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF DAVID W. BEHRENS, PRINCIPLE OF GREENBERGFARROW ARCHITECTURE, INC., FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.4.</i></p>

At their meeting on June 20, 2012, the Environmental Commission recommended approval of a Special Exception to certain natural resource provisions of the Unified Development Ordinance, with conditions. The Environmental Commission's Special Exception Application Review and Recommendation findings form, dated June 27, 2012, is attached.

At their meeting on August 9, 2012, the Plan Commission recommended "approval of the Meijer Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission, and Common Council consideration of any Environmental Commission recommendation."

At the August 21, 2012 Common Council meeting, a motion was approved to "postpone the following Meijer development proposals to the Common Council meeting of 9/04/12 or sooner." This included the application for Natural Resource Special Exception. The Natural Resource Special Exception application was also tabled at the September 4, 2012 and September 19, 2012 Common Council meetings.

Since the previous Common Council meeting, the applicant submitted an alternatives analysis titled "Individual Joint Ch. 30 Permit Addendum For Water Regulatory Permits and Approvals" dated August 28, 2012 and a summary of their application and proposed mitigation in the document titled "Summary of Special Exception to a Natural resource Feature for a Meijer Store at the Northeast Corner of St. Martins Road (STH 100), Loomis Road (STH 36) and Puetz Road in the City of Franklin, WI" dated September 28, 2012, both of which can be found in the attached packet materials. Department of City Development staff also revised the draft Standards, Findings and Decisions form based upon Common Council comments at the August 21, 2012 meeting and the recent information provided by the applicant.

The applicant has not yet received final approval from the Wisconsin Department of Natural Resources and the United States Army Corps of Engineers for the wetland impacts.

COUNCIL ACTION REQUESTED

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of David W. Behrens, Principle of GreenbergFarrow Architecture, Inc., for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. (Approximately the eastern corner of West Loomis Road and West St. Martins Road [STH 100]).

Standards, Findings and Decision
of the City of Franklin Common Council upon the
Application of David W. Behrens, Principal of GreenbergFarrow Architecture Inc. for
a Special Exception to Certain Natural Resource Provisions
of the City of Franklin Unified Development Ordinance

Whereas, David W. Behrens, Principal of GreenbergFarrow Architecture Inc., having filed an application dated May 25, 2012, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated June 27, 2012, being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application at their July 5, 2012 and August 9, 2012 meetings and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated July 5, 2012, being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at the eastern corner of West Loomis Road and West St. Martins Road (STH 100), zoned B-3 Community Business District, Planned Development District No. 31 (Foresthill Highlands/United Financial Group, Inc.) and FW Floodway District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: "The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant."

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated May 25, 2012 by David W. Behrens, Principal of GreenbergFarrow Architecture Inc., pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *The City's Crossroads Regulating Plan already identifies encroachment into the natural resource features on the subject property.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: ; *or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *Applicant has adjusted the site plan since its meeting with USACOE and WDNR staff on April 23, 2012 to lessen impacts on the protected wetlands. In addition, the applicant has provided an alternatives analysis in the document titled "Individual Joint Ch. 30 Permit Addendum for Water Regulatory Permits and Approvals" dated August 28th, 2012. In the document titled "Summary of a Special Exception to a Natural Resource Feature for a Meijer Store at the Northeast Corner of St. Martins Road (STH 100), Loomis Road (STH 36) and Puetz Road in the City of Franklin, WI", dated September 28th, 2012, the applicant states that impacts to Wetlands 3 and 4 were already envisioned with the Wisconsin Department of Transportation's realignment plans for the West Puetz Road/STH 100 intersection. The applicant has stated that there are no reasonable practicable alternatives to the current proposal.*

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *The Special Exception will not adversely affect the existing character of the neighborhood, nor will it exceed the level of natural resource encroachments identified on the existing Crossroads Regulating Plan. According to the document titled "Summary of a Special Exception to a Natural Resource Feature for a Meijer Store at the Northeast Corner of St. Martins Road (STH 100), Loomis Road (STH 36) and Puetz Road in the City of Franklin, WI", dated September 28th, 2012, the applicant's mitigation measures*

include the purchase of wetland credits with local investment, invasive species removal, native seeding, tree preservation, special storm water management practices that include rain gardens, and a local program deposit of \$20,000 paid to the City for additional mitigation and enhancements to natural resource areas within the City of Franklin. The applicant will mitigate a total of 0.91 onsite acres through invasive species removal and native seeding.

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The Special Exception will not undermine the neighboring properties, which are subject to the Natural Resource Protection regulations in Part 4 of the Unified Development Ordinance.; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The applicant is providing mitigation, which is further described in the document titled "Summary of Special Exception to a Natural Resource Feature for a Meijer Store at the Northeast Corner of St. Martins Road (STH 100), Loomis Road (STH 36) and Puetz Road in the City of Franklin, WI" dated September 28, 2012 and detailed on page 3 of the document titled "Individual Joint Ch. 30 Permit Addendum For Water Regulatory Permits and Approvals" dated August 28th, 2012. Furthermore, enhancing other natural resource features within the City of Franklin is consistent with requirements to protect natural resource features.; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature): The applicant is proposing to improve onsite natural resource features by removing invasive species along the east and west sides of Legend Creek and by planting a native seed mix within the floodplain compensatory storage area and on the back slope of the wet detention pond. The applicant will mitigate a total of 0.91 onsite acres through these activities. The applicant will mitigate a total of 1.410 offsite acres by purchasing mitigation credits from the Wisconsin Department of Natural Resources. The applicant's mitigation proposal is detailed in the document titled "Summary of Special Exception to a Natural Resource Feature for a Meijer Store at the Northeast Corner of St. Martins Road (STH 100), Loomis Road (STH 36) and Puetz Road in the City of Franklin, WI" dated September 28, 2012, and on page 3 of the document titled "Individual Joint Ch. 30 Permit Addendum For Water Regulatory Permits and Approvals" dated August 28th, 2012.*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise

applicable setbacks: *The project will meet all B-3 Community Business District setbacks from property lines, which is consistent with the surrounding properties. The remaining onsite natural resource features will help buffer this commercial use from adjacent residential uses.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *Impacts to Wetlands 3 and 4 were already envisioned with the Wisconsin Department of Transportation's realignment plans for the West Puetz Road/STH 100 intersection. The Crossroads Plan also identifies a development footprint on the subject property that encroaches into existing natural resources. Furthermore, the Crossroads Regulating Plan identifies a building footprint on this property that is larger than the individual building footprints identified on the surrounding properties.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The subject property is mostly vacant.*

4. Aesthetics: *The site currently contains wetlands, wetland buffers, wetland setbacks, floodplain shore buffer areas and a Secondary Environmental Corridor, the majority of which will remain. The remaining onsite natural resource features will help buffer this commercial use from adjacent residential uses.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The degree of noncompliance varies. The property contains 7.10 acres of wetlands, 4.417 acres of wetland buffers, 2.87 acres of wetland setbacks, 0.17-acres of floodplain, 0.36 acres of navigable stream (Legend Creek) and 0.256-acres of shore buffer. The applicant is proposing to fill/develop 0.940 acres of wetland (13.2%), 2.546 acres of wetland buffer (57.6%), 2.222 acres of wetland setback (77.4%), 0.100 acres of floodplain (58.8%); and 0.139 acres of shore buffer (54.3%).*

6. Proximity to and character of surrounding property: *Foresthill Highlands PDD to the east; single-family residences to the south; Walgreens and professional office to the west; and a Citgo Fueling Station, single-family residence and office complex to the north. The project area is planned for a commercial development. The remaining onsite natural resource features will help buffer this commercial use from adjacent residential uses.*

7. Zoning of the area in which property is located and neighboring area: *The subject development consists of properties currently zoned B-3 Community Business District, PDD No. 31 and FW Floodway District. The applicant has proposed to rezone these properties to PDD No. 36. Adjacent properties are zoned B-3, PDD No. 31, R-3 and R-8.*

8. Any negative affect upon adjoining property: *No negative effect upon adjoining property is perceived. The applicant is providing mitigation, a bufferyard and storm water management.*

9. Natural features of the property: *The property contains 7.10 acres of wetlands, 4.417 acres of wetland buffers, 2.87 acres of wetland setbacks, 0.17-acres of floodplain, 0.36 acres of navigable stream (Legend Creek) and 0.256-acres of shore buffer.*

10. Environmental impacts: *The applicant is proposing to fill/develop 0.940 acres of wetland, 2.546 acres of wetland buffer, 2.222 acres of wetland setback, 0.100 acres of floodplain; and 0.139 acre of shore buffer.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of June 20, 2012 are incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for David W. Behrens, Principal of GreenbergFarrow Architecture Inc. and all other applicable provisions of the Unified Development Ordinance. The duration of this grant of Special Exception is permanent.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Individual Joint Ch. 30 Permit Addendum For
Water Regulatory Permits and Approvals

Proposed Meijer Commercial Site

City of Franklin, Milwaukee County, Wisconsin

Submitted by:

Heather Patti, PWS
Ecologist/Project Manager

RA Smith National, Inc.
16745 W. Bluemound Road, Suite 200
Brookfield, WI 53005
(262) 781-1000

Submitted for:

GreenbergFarrow Architecture, Inc.
21 South Evergreen Avenue, Suite 200
Arlington Heights, IL 60005

August 28th, 2012

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Permit Addendum for Water Regulatory Permits and NR103 Practicable Alternatives Analysis

August 28, 2012

MEIJER COMMERCIAL SITE

By letter dated August 6, 2012, the Wisconsin Department of Natural Resources (WDNR) requested additional information regarding the alternatives analysis conducted for the proposed Meijer Commercial Site in the City of Franklin. This Addendum provides the requested additional information for WDNR's use in reviewing the Ch. 30/NR 103 Water Quality Certification for the Meijer Commercial Site Project.

ALTERNATIVES ANALYSIS STANDARDS

Before discussing the specific requests made by WDNR, it is important to review the standards that govern the alternatives analysis. In that regard, section 281.36(3m)(b), Stats., provides as follows:

Analysis of practicable alternatives. An applicant shall include in an application submitted under par. (a) an analysis of the practicable alternatives that will avoid and minimize the adverse impacts of the discharge on wetland functional values and that will not result in any other significant adverse environmental consequences.

Further, section 281.36(3n), Stats., makes it clear that when WDNR reviews the analysis of practicable alternatives presented in the application under sub. (3m)(b), its review is limited as follows:

The department shall limit its review to those practicable alternatives that are located at the site of the discharge and that are located adjacent to that site if the applicant has demonstrated that the proposed project causing the discharge will result in a demonstrable economic public benefit, that the proposed project is necessary for the expansion of an existing industrial, commercial, or agricultural facility that is in existence at the time the application is submitted, or that the proposed project will occur in an industrial park that is in existence at the time the application is submitted.

Because there is a demonstrated economic public benefit, it is therefore appropriate to limit the review of alternatives in this application to the project site.

In the context of this review, section 281.36(3n)(b) further provides that WDNR is to consider all of the following factors when it assesses the impacts to wetland functional values:

1. The direct impacts of the proposed project to wetland functional values.
2. The cumulative impacts attributable to the proposed project that may occur to wetland functional values based on past impacts or reasonably anticipated impacts caused by similar projects in the area affected by the project.
3. Potential secondary impacts of the proposed project to wetland functional values.
4. The impact on functional values resulting from the mitigation that is required under sub. (3r).
5. The net positive or negative environmental impact of the proposed project.

Finally, section 281.36(3n)(c) states that WDNR may issue the requested permit if all of the following apply:

1. The proposed project represents the least environmentally damaging practicable alternative taking into consideration practicable alternatives that avoid wetland impacts.
2. All practicable measures to minimize the adverse impacts to wetland functional values will be taken.
3. The proposed project will not result in significant adverse impact to wetland functional values, in significant adverse impact to water quality, or in other significant adverse environmental consequences.

Meijer believes that it has properly assessed the practicable alternatives and that it has selected the practicable alternative that requires the least amount of mitigation. Meijer also believes that it has taken all practicable measures to minimize these impacts, and that any unavoidable impacts will not adversely impact the wetland functional values.

PROJECT AND SITE BACKGROUND

The approximate 29.5 acre project area consists of an abandoned farmstead, two vacant commercial buildings and associated gravel pads, vacant land and wetlands. The project area is zoned B-3 (Community Business District) and PDD 31 under the City of Franklin's zoning code and the entire site is designated for commercial development within the 2004 Crossroads Trade Area Regulating Plan approved by the City of Franklin.

The practicable alternatives analysis is based upon the qualities of the applicant's project. Meijer is proposing a 191,352 square foot commercial store, attached garden center, drive-thru pharmacy and truck dock.¹ 690 parking stalls are being proposed (including handicap stalls) along with site access via STH 36 (Loomis Road), STH 100 (St. Martins Road) and Puetz Road.

¹ The footprint of the proposed store, including the interior layout, fixturing and associated operational components, has been developed into a prototype from Meijer's decades of retail experience which allows Meijer to meet market needs and trends, efficiently operate and maintain the store, and promote sales.

The project serves multiple purposes providing benefits to Meijer, the City and the State, including:

- Establishing a store as part of Meijer's 2014 entry into the State of Wisconsin in a carefully selected strategic location serving customer needs from the City and surrounding areas as well as to allow for efficient and strategic build out of future store locations.
- Meeting the City's vision of the Crossroads Plan with a commercial redevelopment project (the Plan Commission recommended approval of the project on August 9, 2012 and it is pending review by the Common Council).
- Further increasing the non-residential tax base toward the City's goal in the overall 70% (residential) / 30% (non-residential) ratio.
- Helping the local job market by providing local full and part-time jobs.
- Boosting the local economy by attracting visitors to the Meijer store as well as nearby restaurants, stores and businesses.
- Adding State sales tax revenue.

Meijer has carefully considered the characteristics of the site in developing its plans. The site slopes eastward from the high point at the intersection of Loomis and St. Martins Roads, to the stream bed, with approximately a 27' elevation drop.

In order to construct a store and associated parking field in a manner that provides for the safe operation of vehicles and circulation of pedestrians, maximum slopes need to be maintained. Industry standard for the Midwest is no greater than 5% in the parking field, 2% for pedestrian walks and 1% for handicap accessible routes.

Additional siting consideration is needed for utility extensions, stormwater routing, vehicular access points and the desire to create an aesthetically pleasing project.

In developing the project on the site, Meijer will pursue a variety of on-site wetland buffer mitigation activities:

1. Removal of common buckthorn along the banks of Legend Creek.
2. Seeding with a native seed mix within the floodplain compensatory storage area east of the building designed to not interfere with floodplain storage function and the back-slope of the wet detention pond and the back-slope of the wet detention pond (19,993sq. ft./0.46 ac. total).
3. Preservation of approximately 320 trees.
4. Installing rain gardens within several parking lot islands to work in conjunction with the wet detention ponds to filter pollutants from the stormwater runoff that would otherwise enter the stormwater detention ponds. This reduces the amount of stormwater discharged to the detention ponds and the wetlands thereby preserving their capacity.
5. Installing an underground stormwater detention system to work in conjunction with the wet detention ponds. This reduces the amount of stormwater discharged to the detention ponds and the wetlands thereby preserving their capacity; the underground detention system will also enable Meijer to

significantly reduce the size of the surface stormwater detention ponds resulting in a smaller wetland impact.

ADDITIONAL INFORMATION

This section provides additional information and/or clarification as requested by the August 6, 2012 WDNR letter.

WDNR #1: The applicant must demonstrate that any unavoidable wetland impacts have been minimized. This burden of proof has not been met with this (original) application.

As stated in the July 2, 2012 permit application, wetland impacts could not be avoided due to their size and location on the site. Four out of five of the on-site wetlands are low quality, isolated and scattered across the site making the project unfeasible if the wetlands must be entirely avoided. Accordingly, several project alternatives and site layouts were explored in order to avoid and minimize wetland impact while meeting the goals of the development.

To begin, given the wetlands location near West Puetz Road, complete avoidance was not possible because WisDOT intends to realign the Puetz/STH 100 intersection for vehicular safety purposes as part of its 2018 reconstruction project. As a direct result, some of the overall site area will be lost due to rerouting the roadway and associated right-of-way dedication.² The applicant is working with WisDOT on those plans but the realignment project restricts the available site area by shifting the site plan layout to the north, partially impacting the wetland along Legend Creek (W-5 in the wetland delineation report) but preserving the higher quality wetlands located near the north end of the site as identified in the wetland investigation.

Further, Meijer has worked with the City and WisDOT to minimize the project access road widths to the greatest extent practicable.

Moreover, Meijer's primary focus was to orient the building away from Legend Creek as much as possible which is why the building and entire site layout runs at a diagonal from the northeast to the southwest. Retaining walls were designed around the rear and north side of the building to avoid additional impacts resulting from slope embankments that would otherwise be required to transition between the proposed and existing grades

Meijer also eliminated its fuel center (which is typically a part of its projects) for this location in order to limit the impacts to those resulting from the store and parking field development.

² In fact, of the 0.948 acres of wetland proposed to be impacted, 0.38 acres (40%) is associated with the WisDOT realignment of Puetz Road.

After numerous plan revisions, the applicant and its design team met with USACOE and WDNR staff on April 23, 2012 for an initial site plan review. The plan at that time included 713 parking spaces, 1.24 acres of wetland impacts, and 0.71 acres of floodplain impacts.

Meijer's efforts to minimize unavoidable wetland impacts is demonstrated by the reduction in impacted area achieved by the design team since the April meeting in working through an Alternatives Analysis.

The preferred site alternative – Alternative 2 – submitted for permitting in the July 2, 2012 Ch. 30/NR 103 application, includes 690 parking spaces, 0.948 acres of wetland impacts (including 0.38 acres of impact due to the WisDOT realignment of Puetz Road) and 0.28 acres of floodplain impacts. The wetland impacts were reduced by 24%. The minimization of unavoidable impacts was accomplished by reducing the number of parking spaces and rotating the building and parking by approximately 10 degrees to more precisely fit into non-wetland areas that were formally identified and located following that initial meeting.³

Finally, Meijer designed an underground stormwater detention system to further minimize wetland impact by working in conjunction with the wet detention ponds to reduce the amount of stormwater discharged to the detention ponds and the wetlands thereby preserving their capacity. In turn, this allowed Meijer to significantly reduce the size of the stormwater detention ponds resulting in a smaller wetland impact.

Rain gardens are also proposed within several parking lot islands, which also helps to treat surfacewater runoff that would otherwise enter the stormwater detention ponds (see attached Landscape Plan).

WDNR #2: *Demonstrate why the site cannot be developed with either alternate #1 that completely avoids all other wetland fill or alternate #2 that minimizes the wetland fill, or third combination of the 2. (WDNR attached their 2 alternates to the 8/6/12 letter).*

The two site alternates provided by WDNR are appreciated and have been considered, as were numerous other options, but they are not practicable alternatives. To more carefully review the WDNR alternates, the Meijer project team prepared Alternates 1 and 2, attached, which contain the project's general qualities (a 191,352 sq. ft. building, necessary parking facilities, attached garden center, drive-thru pharmacy and truck loading docks).

³ However, these approaches have reached their practicable limits. The parking space reduction results in a ratio of 3.6 spaces per 1,000 sq ft which is less than what is recommended by the Crossroads Plans and is 40% below the City of Franklin standards. Likewise, the building position is constrained from moving westward (towards the St. Martins/Loomis intersection) because of the locations Wetland #5 and Puetz Road. Both require the building to be oriented in an approximate north/south/east direction and moving the building westward will actually cause more impacts to Wetland #5 directly adjacent and west of the truck dock area negating any impact reduction achieved at the rear of the building.

At the outset, in analyzing the two options presented by WDNR and attached, we are confident that the grading and fill implications of these designs extend well beyond the boundaries of the parking edge and will far exceed those provided in the preferred alternative previously submitted. As indicated above, the site drops 27' in elevation as it slopes eastward. Alternates 1 and 2 will require a substantial amount of fill and will have significant impacts on the existing wetlands to make industry-standard (and safe) grades for a retail operation.

The preferred alternative was also designed and sited in order to accommodate the necessary utility service extensions, stormwater routing, vehicular access points and the desire to create an aesthetically pleasing project.

Finally, both Alternates 1 and 2 result in a significant loss of parking that is necessary for the project. A store of this type and size will typically park at 5 cars per 1000 sq. ft. of floor area or 955 spaces. The present City of Franklin code requires a ratio of 4:1000 resulting in 766 spaces. The design that Meijer has put forward contains only 690 spaces, requiring a variance that staff is recommending be granted. Eliminating any additional parking stalls will cause the store to be under parked and result in immediate safety and operational issues for this project.

The remainder of this section will address the specifics of each of WDNR's alternate plans in order to demonstrate why the site cannot be developed under either scenario.

Alternate #1

- A. The building layout is non-prototypical (see Footnote 1 for the discussion of prototypes) with a number of key components (Truck dock, Pharmacy, Garden Center) relocated which will not function for Meijer from an operations perspective. Such changes will also have a direct impact to sales, energy efficiency, maintenance and public perception of the store.
- B. The truck dock directly adjacent to Puetz Road is unacceptable to the City of Franklin and surrounding residential property owners.
- C. The truck dock is not accessible as presented because the position and orientation of the loading docks must meet a certain width and radius, and the trucks need to have a direct in/out entryway as they cannot maneuver around tight turns and parking areas. This plan would not allow for truck entry or turnaround.
- D. The diagonal building orientation results in inefficiencies in site design and leaves limited opportunities for greenspace and site amenities which is unacceptable to the City of Franklin.
- E. The Garden Center is inaccessible for loading operations and is disconnected from any parking field.
- F. The front parking field is unfeasible for a store of this type and will require greater wetland impacts than what has already been proposed (see introduction section, above).
- G. The building position assumes a flat site versus what exists there today (see introduction section, above). In placing the building in the present location it

forces the finish floor elevation to be elevated higher than the proposed design causing additional fill and impacts to the wetland #5 side of the project.

Alternate #2

- A. The building layout is non-prototypical (see Footnote 1 for the discussion of prototypes) with a number of key components (Truck dock, Pharmacy, Garden Center) relocated which will not function for Meijer from an operations perspective. Such changes will also have a direct impact to sales, energy efficiency, maintenance and public perception of the store.
- B. The truck dock directly adjacent to Puetz Road is unacceptable to the City of Franklin and surrounding residential property owners.
- C. The truck dock is not accessible as presented because the position and orientation of the loading docks must meet a certain width and radius, and the trucks need to have a direct in/out entryway as they cannot maneuver around tight turns and parking areas. This plan would not allow for truck entry or turnaround.
- D. The diagonal building orientation results in inefficiencies in site design and leaves limited opportunities for greenspace and site amenities which is unacceptable to the City of Franklin.
- E. The Garden Center is inaccessible for loading operations and is disconnected from any reasonable parking field.
- F. The front parking field is completely unacceptable for a store of this type and will require greater wetland impacts than what has already been proposed (see introduction section, above).
- G. The building position assumes a flat site versus what exists there today (see introduction section, above). In placing the building in the present location it forces the finish floor elevation to be elevated higher than the proposed design causing additional fill and impacts to the wetland #5 side of the project.
- H. The vehicle circulation patterns around the site caused by the building position do not meet sound planning standards.
- I. The building and parking field positions leave little to no opportunity for infiltration basins prior to stormwater entering existing wetland areas.

CONCLUSION

The foregoing submission, including the additional information requested and analysis of WDNR's alternates in the August 6, 2012 letter, together with the entire July 2, 2012 permit application, demonstrate that the applicant has met the required burden of proof.

Submitted this 28th day of August, 2012.

Heather D. Patti, PWS
R.A. Smith National, Inc.

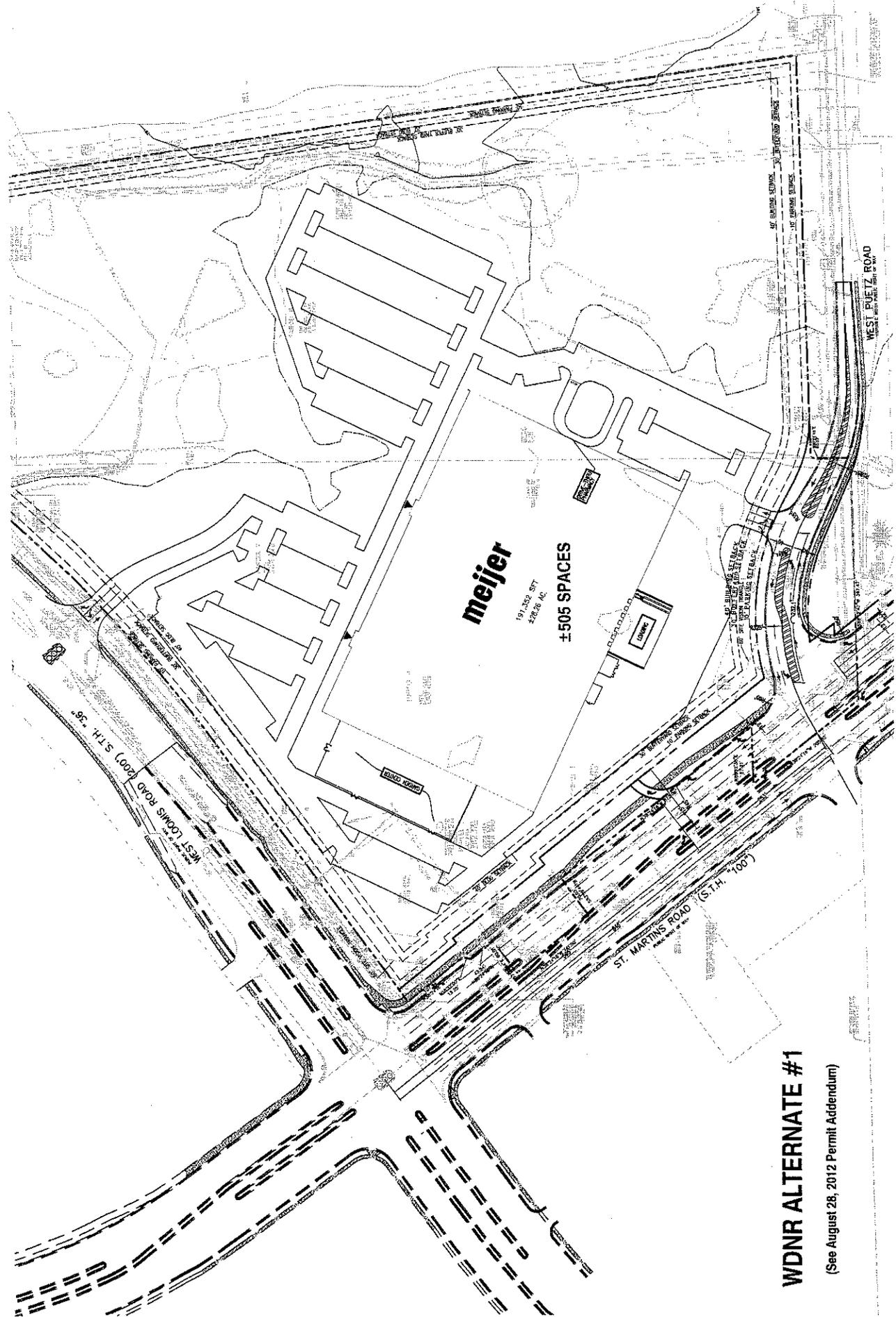
David W. Behrens, RLA, ASLA
Keri Williams, P.E., CFM
GreenbergFarrow

Appendix 1:

WDNR's Alternate #1

WDNR's Alternate #2

Preferred Site Plan - Landscaping Plan



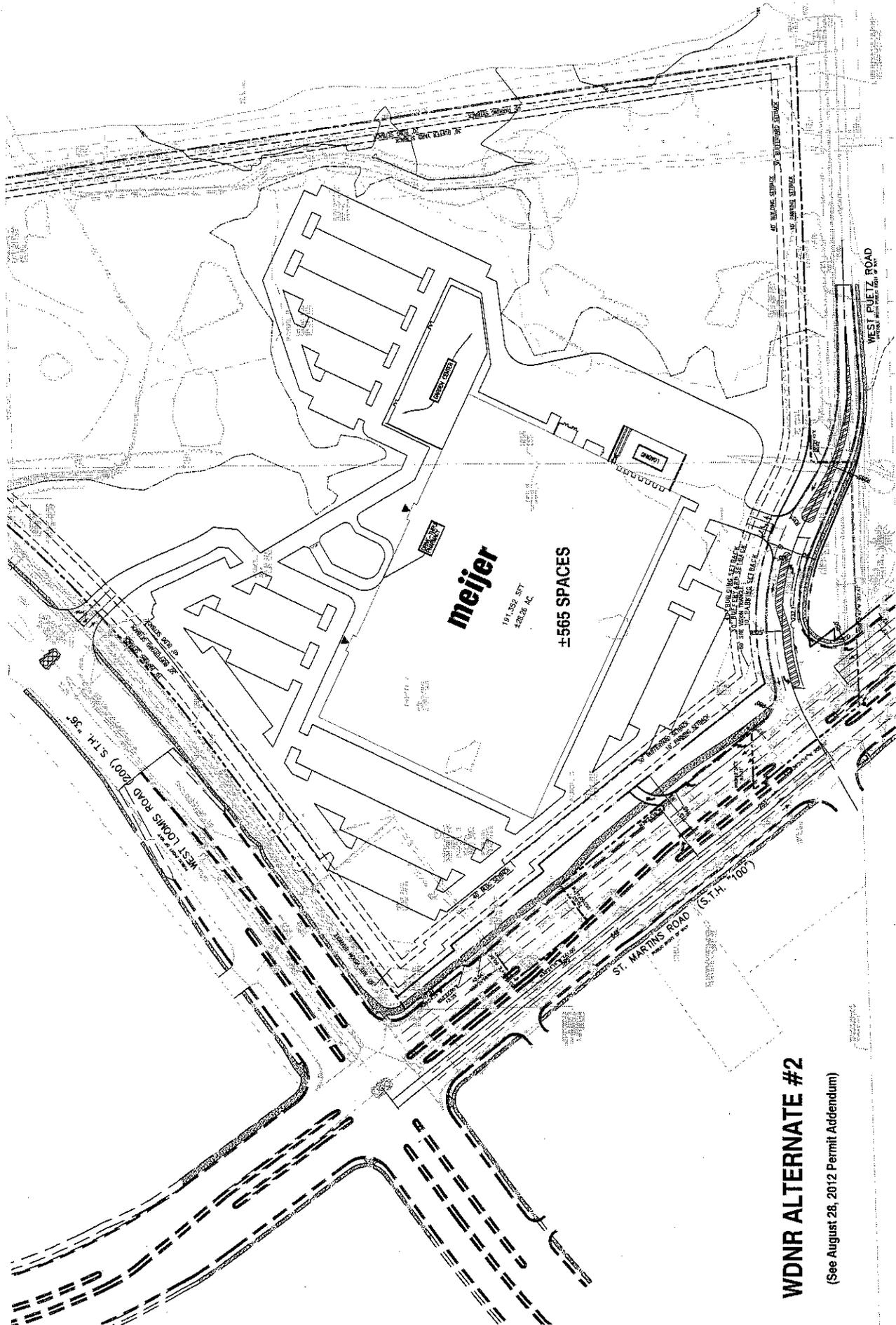
meijer

191,332 SQ FT
±505 AC

±505 SPACES

WDNR ALTERNATE #1

(See August 28, 2012 Permit Addendum)

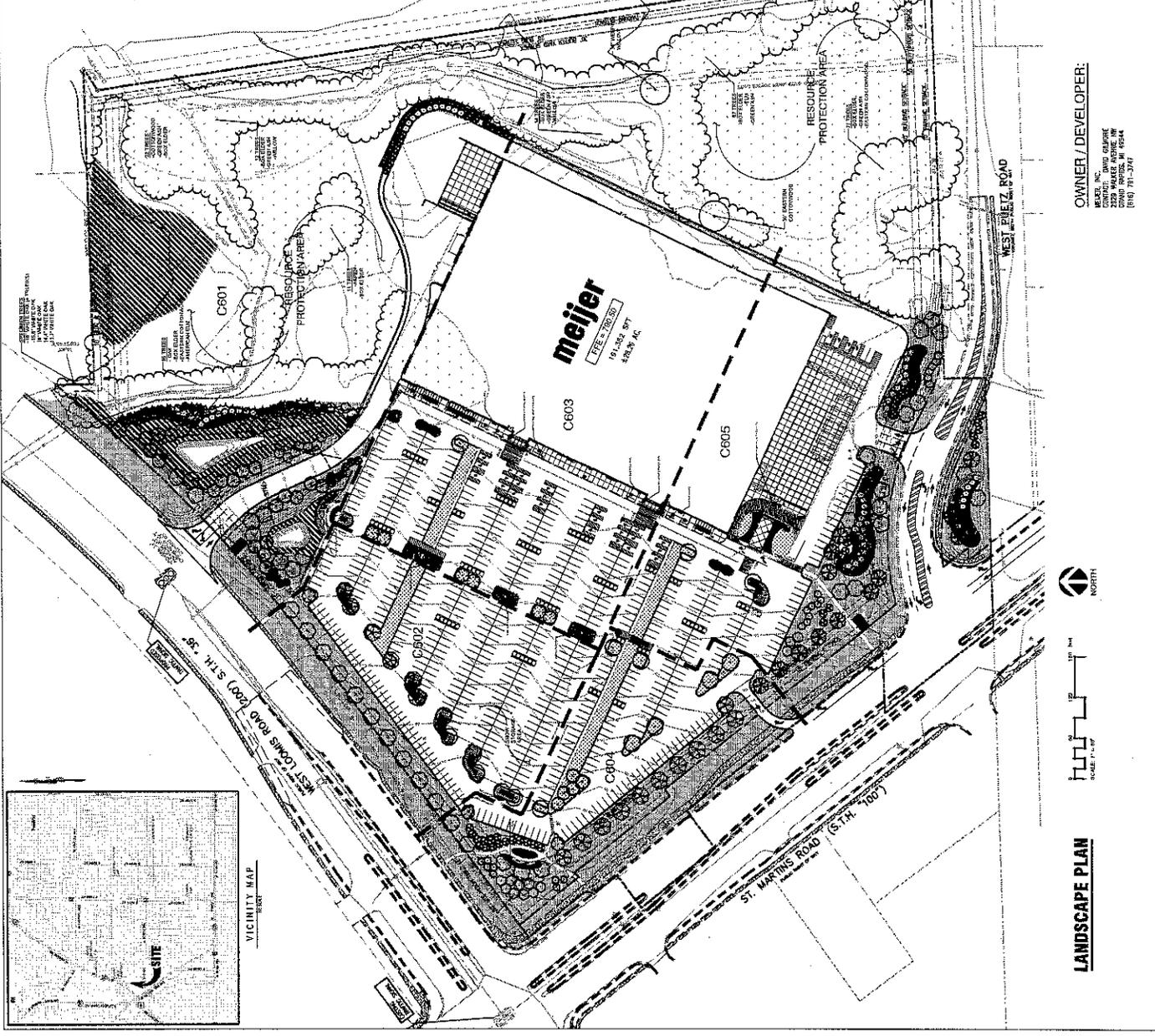


WDNR ALTERNATE #2

(See August 28, 2012 Permit Addendum)

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	10/20/03	DAVID CALDWELL	DAVID CALDWELL
2	ISSUED FOR PERMIT	10/20/03	DAVID CALDWELL	DAVID CALDWELL
3	ISSUED FOR PERMIT	10/20/03	DAVID CALDWELL	DAVID CALDWELL
4	ISSUED FOR PERMIT	10/20/03	DAVID CALDWELL	DAVID CALDWELL
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6	ISSUED FOR PERMIT	10/20/03	DAVID CALDWELL	DAVID CALDWELL
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49	ISSUED FOR PERMIT	10/20/03	DAVID CALDWELL	DAVID CALDWELL
50	ISSUED FOR PERMIT	10/20/03	DAVID CALDWELL	DAVID CALDWELL

PLANT SCHEDULE	SYMBOL	DESCRIPTION	QUANTITY	REMARKS
1	(Symbol)	Aspen White Birch	100	100' x 100'
2	(Symbol)	Red Pine	100	100' x 100'
3	(Symbol)	White Pine	100	100' x 100'
4	(Symbol)	Black Spruce	100	100' x 100'
5	(Symbol)	Blue Spruce	100	100' x 100'
6	(Symbol)	White Spruce	100	100' x 100'
7	(Symbol)	Red Spruce	100	100' x 100'
8	(Symbol)	White Fir	100	100' x 100'
9	(Symbol)	Blue Fir	100	100' x 100'
10	(Symbol)	White Fir	100	100' x 100'
11	(Symbol)	Blue Fir	100	100' x 100'
12	(Symbol)	White Fir	100	100' x 100'
13	(Symbol)	Blue Fir	100	100' x 100'
14	(Symbol)	White Fir	100	100' x 100'
15	(Symbol)	Blue Fir	100	100' x 100'
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47	(Symbol)	Blue Fir	100	100' x 100'
48	(Symbol)	White Fir	100	100' x 100'
49	(Symbol)	Blue Fir	100	100' x 100'
50	(Symbol)	White Fir	100	100' x 100'



LANDSCAPE PLAN
 OWNER / DEVELOPER: MEIJER, INC.
 PROJECT: WESTLAKE, OHIO
 DATE: 10/20/03
 SCALE: 1" = 40'



LANDSCAPE CALCULATIONS:
 EXISTING: 100 TREES / 100' x 100' = 10,000 SF
 PROPOSED: 100 TREES / 100' x 100' = 10,000 SF
 NET LOSS: 0 TREES / 0' x 0' = 0 SF
 NET GAIN: 0 TREES / 0' x 0' = 0 SF
 NET CHANGE: 0 TREES / 0' x 0' = 0 SF

OWNER / DEVELOPER:
 MEIJER, INC.
 2100 W. LOMAS ROAD, SUITE 200
 WESTLAKE, OHIO 44140
 TEL: 440.333.1000
 FAX: 440.333.1001

DESIGNER:
 ROCKWORTH CONSTRUCTION
 2100 W. LOMAS ROAD, SUITE 200
 WESTLAKE, OHIO 44140
 TEL: 440.333.1000
 FAX: 440.333.1001

DATE: 10/20/03
SCALE: 1" = 40'

PROJECT: WESTLAKE, OHIO
DATE: 10/20/03

SCALE: 1" = 40'

LANDSCAPE PLAN



Meijer, Inc.
2929 Walker Ave. NW
Grand Rapids, MI 49544

Summary of Special Exception to a Natural Resource Feature for a Meijer Store at the Northeast Corner of St. Martins Road (STH 100), Loomis Road (STH 36) and Puetz Road in the City of Franklin, WI

September 28, 2012

This document is to summarize the Special Exception to a Natural Resource Feature request in connection with Meijer's redevelopment of approximately 29.48 acres of land into a grocery and retail store. To accommodate actual development, the natural resource features were considered. Of the alternatives, Meijer has selected the practicable alternative that minimizes the unavoidable natural resource impacts and requires the least amount of mitigation.

Meijer's unavoidable impacts are as follows:

Area of Impact	Number of Areas Impacted	Acres Impacted
Wetland	5 wetlands	0.940
Wetland Buffer	5 wetland buffers	2.546
Wetland Setback	4 wetland setbacks	2.222
Floodplain	1 floodplain	0.100
Shore Buffer	1 shore buffer	0.139

See Exhibit-1 (Wetland), Exhibit-2 (Floodplain/Floodway), and Exhibit-3 (Shore Buffer).

Four specific site characteristics must be acknowledged before considering the special exception request and proposed mitigation plan:

- A. Wetland #3 and Wetland #4, together with their associated setbacks and buffers, will be impacted irrespective of the Meijer project. WisDOT intends to realign the Puetz Road/STH 100 intersection for vehicular safety purposes as part of its 2018 reconstruction project which, as shown on Exhibit-1, will result in impacts to those

natural resources that will not be caused by Meijer. *At a minimum, the impacts qualify as unavoidable impacts but it is more appropriate to attribute those impacts to WisDOT and not to Meijer's mitigation requirements. The roadwork impacts represent 0.235 wetland acres, 0.505 wetland buffer acres and 0.390 wetland setback acres for a total of 1.130 acres (19% of the total).*

- B. The WisDOT realignment plans also restrict the available building area by shifting the site plan layout to the north, partially impacting Wetland #5, and reducing the amount of land available to Meijer for on-site mitigation. *Meijer has shown that it is performing as much on-site mitigation as it can but WisDOT's roadwork reduces the amount of land available to Meijer that it otherwise would have had available.*
- C. The Wetland Delineation Report classifies Wetland #5 as medium quality and the other four wetlands as low quality (primarily due to the fact that two of them are not likely natural wetlands but are man-made). Like the wetlands themselves, the associated wetland buffers and wetland setbacks are also of low quality. *The low quality of a significant amount of the natural resources is relevant when considering the appropriate amount of mitigation to be required.*
- D. While the UDO requires shorelands, wetland buffers and wetland setbacks to be mitigated, the applicable standard is one of quantity and distance (1.5 acres mitigation to every 1.0 acres impacted). However, the UDO does not have any other standards for what is required such as plant material specifications or post-mitigation appearance criteria. *Here, the site is not a pristine natural resource but rather a former farmstead with overgrown invasive species and low quality wetlands some of which are man-made. Instead of mitigating the buffer and setback areas to an equal standard as they are today at the quantity and distance levels referenced in the UDO, Meijer proposes to mitigate on-site in the areas available with significantly higher quality plant material and post-mitigation appearance standards. This approach will be more effective to protect and enhance the natural resources as opposed to a rote quantity calculation without applying any meaningful functionality standards.*

Pursuant to the attached Wetland Mitigation Exhibit (Exhibit A), the following activities will be conducted by Meijer to mitigate the unavoidable impacts:

1. Purchase of Wetland Credits with Local Investment.

- a. Meijer expects WisDNR to concur that on-site wetland mitigation is neither practical nor preferable such that to satisfy the off-site mitigation requirements of Ch. NR 350, a purchase of credits from a WisDNR approved mitigation bank will be required. The mitigation bank will be required to restore additional wetlands within the geographic management unit (i.e. watershed) of

the site. This means that local wetlands will be restored but the program will not be arranged until the Meijer project is approved and the credits are purchased.

- b. Under NR 350.06, the number of acres of compensation required is 1.5 acres of compensation for each acre of impacted wetland. Recently enacted 2011 Wisconsin Act 118 (enacted February 29, 2012), changed this ratio to 1.3 acres for off-site mitigation. Meijer nevertheless proposes to purchase credits at the 1.5 acres to 1 ratio (1.410 acres of mitigation credit).
2. **Invasive Species Removal.** Meijer will remove common buckthorn along the east and west sides of Legend Creek within an approximately 0.45-acre swath of dense shrubs (0.45 acres of mitigation credit).
- a. Removal will occur during the winter months when the buckthorn is dormant and the ground is frozen.
 - b. Each stump will be cut at the base and treated with a Glyphosate (i.e., Roundup) herbicide approved for woody shrubs.
 - c. The cut shrubs will be burned or removed off-site to a landfill.
 - d. Two years of follow-up visits will occur to check for re-sprouts and treat as needed.
3. **Native Seeding.**
- a. Meijer will seed with a native seed mix within a 19,059 sq. ft./0.44 ac. total floodplain compensatory storage area east of the building designed not to interfere with floodplain storage function (0.44 acres of mitigation credit).
 - b. Meijer will seed with a native seed mix within a 934 sq. ft./0.02 ac. total back-slope area of the wet detention pond (0.02 acres of mitigation credit).
4. **Tree Preservation.** Meijer will preserve approximately 320 trees, a majority of which far exceed the size requirement as set forth in Section 15-5.0302-D of the UDO, and including nearly a dozen larger specimen type trees. Included in the trees to be preserved are:
- a. Eight (8) specimen trees;

- b. Six (6) White and Bur Oak in the Northwest corner of the site with trunk diameters that range from 13"-18" in size;
- c. A 30" caliper Eastern Cottonwood located just east of the proposed Meijer building; and
- d. A larger 36" Weeping Willow along the eastern property boundary near Legend Creek.
- e. There are other areas of the site which, even though individual trees may not be of a specimen variety at this time, make a strong impact within the Natural Area being preserved. To be preserved is a nice grove of approximately 11 Aspen trees northwest of the proposed Meijer receiving area. Also to be preserved is a grove of approximately 37 Eastern Cottonwood along the Puetz Road boundary to the southeast of the Meijer garden center.

5. Storm Water Management.

- a. Meijer will install rain gardens within several parking lot islands to work in conjunction with the wet detention ponds to filter pollutants from the stormwater runoff that would otherwise enter the stormwater detention ponds. This reduces the amount of stormwater discharged to the detention ponds and the wetlands thereby preserving their capacity.
- b. Meijer will install an underground stormwater detention system to work in conjunction with the wet detention ponds. This reduces the amount of stormwater discharged to the detention ponds and the wetlands thereby preserving their capacity; the underground detention system will also enable Meijer to significantly reduce the size of the surface stormwater detention ponds resulting in a smaller wetland impact.

- 6. Local Program Deposit.** In addition to the above activities, Meijer will provide, prior to issuance of a building permit, a deposit of \$20,000.00 to the City to be used by the City and/or a local non-profit conservation organization selected by the City for additional mitigation and enhancements to natural resource areas within the City of Franklin limits.

The above mitigation activities will involve a total of 2.314 acres and the monetary costs include \$76,500 for the expected wetland credits, \$20,000 estimated for the invasive species and seeding work, and the \$20,000 Local Program Deposit amount for a total of \$116,500.00. The following chart also documents the value of Meijer's plan both in terms of mitigation acres and associated costs.

Area of Impact	Total Acres Impacted	Acres Impacted by Meijer	Acres Impacted by DOT	Qualifying Mitigation Acres	Mitigation Cost
1. Wetland	0.940	0.705	0.235	1.410	\$76,500
2. Wetland Buffer	2.546	2.041	0.505	0.451*	\$9,920*
3. Wetland Setback	2.222	1.832	0.390	0.401*	\$8,920*
4. Floodplain	0.100	0.100	N/A	0.021*	\$480*
5. Shore Buffer	0.139	0.139	N/A	0.031*	\$680*
6. Additional City Mitigation and Enhancements	N/A	N/A	N/A	N/A	\$20,000
TOTAL:	5.947	4.817	1.130	2.314	\$116,500
Mitigation Cost Per Acre Impacted by Meijer:	\$24,185				

* The identified qualifying mitigation acres and mitigation cost numbers represent the proportionate share of the 4.112 non-wetland acres impacted by the Meijer development (##2-5, above) and the \$20,000 estimated cost for the mitigation activities.

Meijer NRSE Summary
September 28, 2012
Page 6

Submitted this 28th day of September, 2012.

FRIEBERT, FINERTY & ST. JOHN, S.C.

Ted A. Warpinski, Esq.
taw@ffsj.com
Brian C. Randall, Esq.
bcr@ffsj.com

ADDRESS:

Two Plaza East, Suite 1250
330 East Kilbourn Avenue
Milwaukee, WI 53202
(414) 271-0130

GREENBERG FARROW

David W. Behrens, RLA, ASLA
dbehrens@greenbergfarrow.com
Keri Williams, P.E., CFM
kwilliams@greenbergfarrow.com
Emily Bernahl
eberahl@greenbergfarrow.com

ADDRESS:

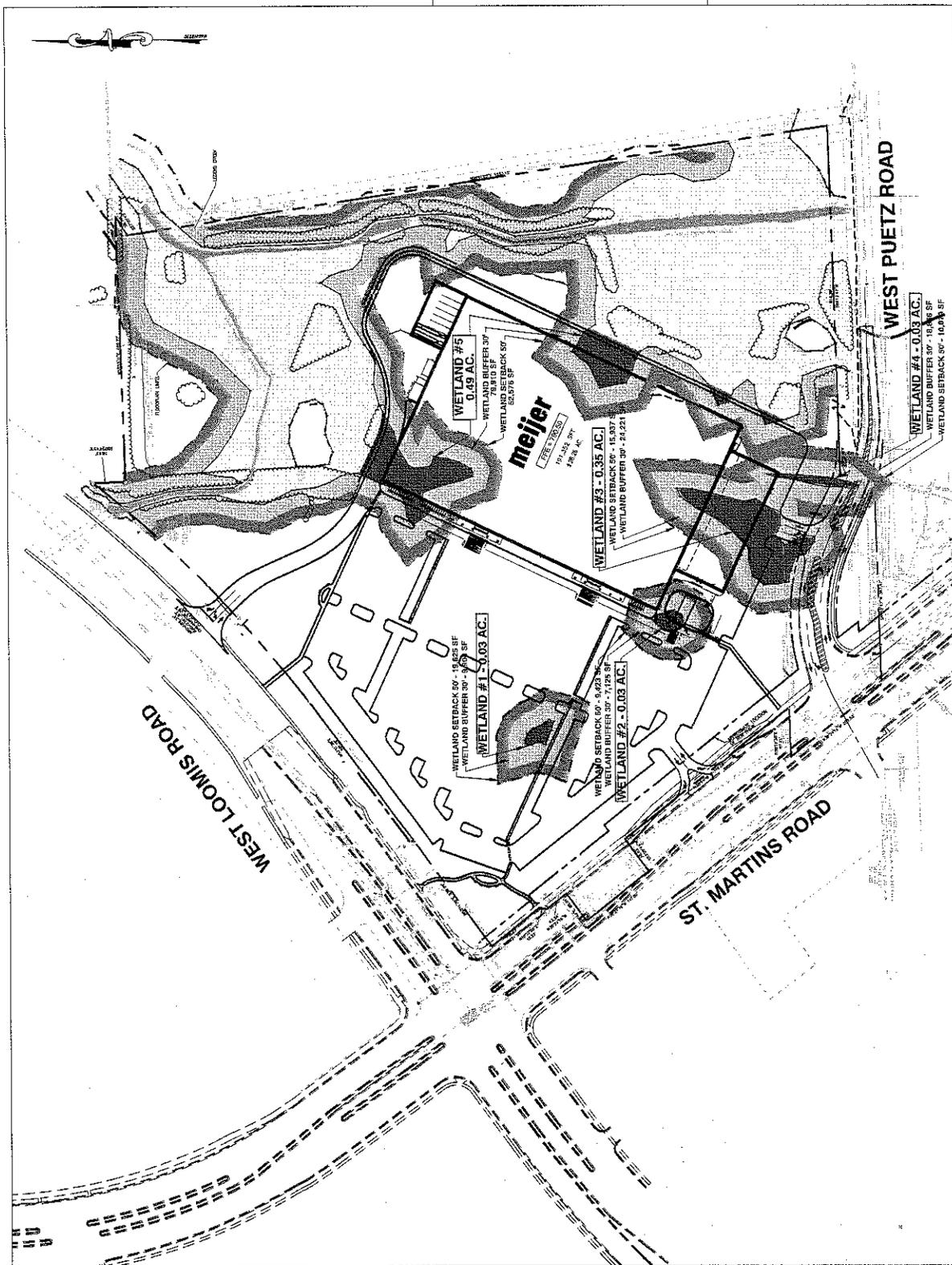
21 S. Evergreen Ave., Ste. 200
Arlington Heights, IL 60005
(847) 788-9200

R.A. SMITH NATIONAL, INC.

Heather D. Patti, PWS
Heather.Patti@rasmithnational.com

ADDRESS:

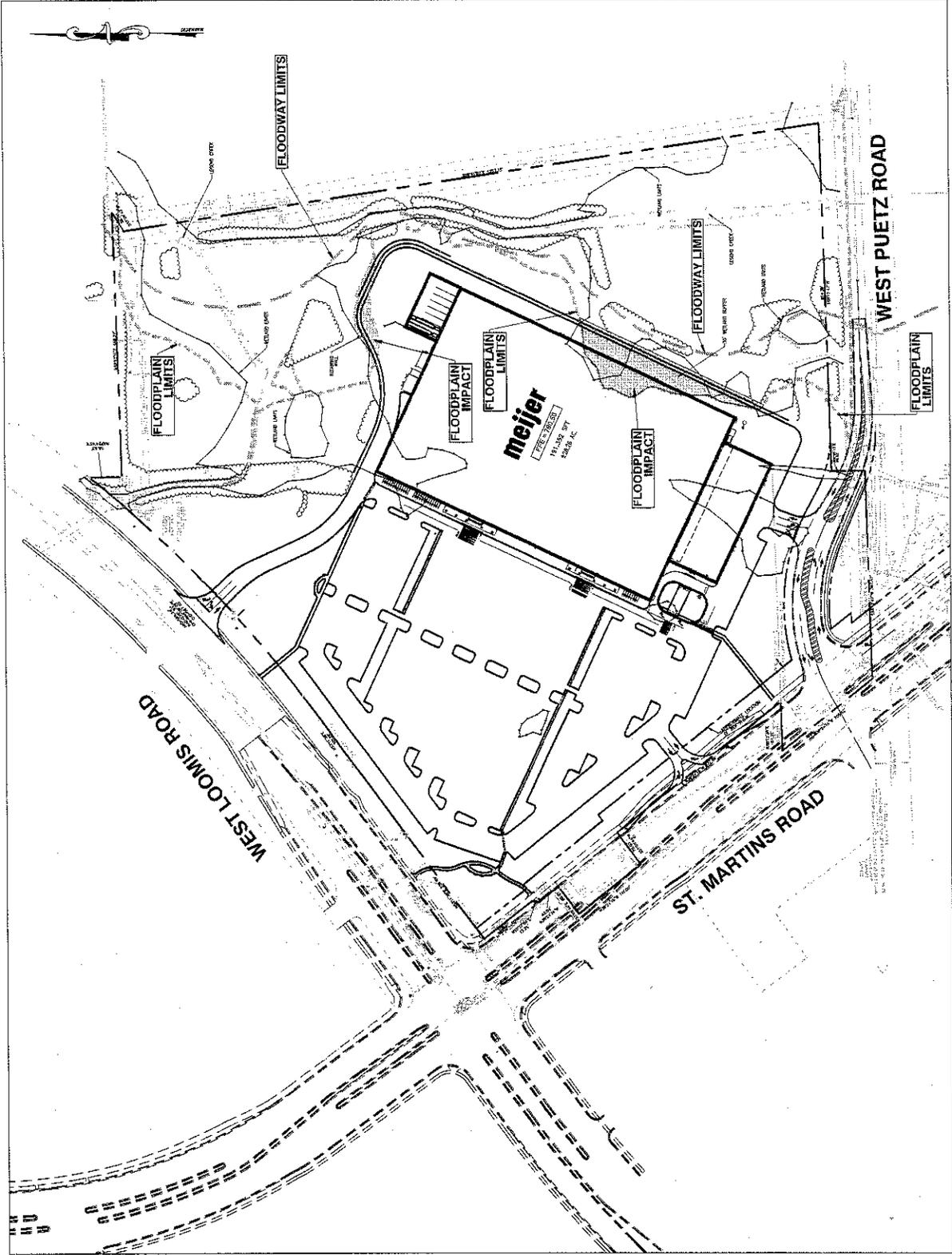
16745 West Bluemound Road, Suite 200
Brookfield, WI 53005-5938



MEIJER
WETLAND
 SCALE: 1" = 80'
EXHIBIT-1
 FRANKLIN, WISCONSIN
 20110526.0

DATE: 06-19-12

GreenbergFarrow
 21 S. Cassacker, Suite 200
 Aurora, Illinois 60205
 t: 847.788.5200 f: 847.788.9596



LEGEND

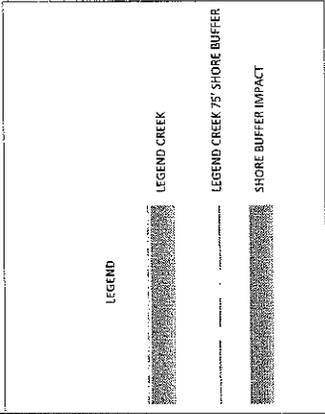
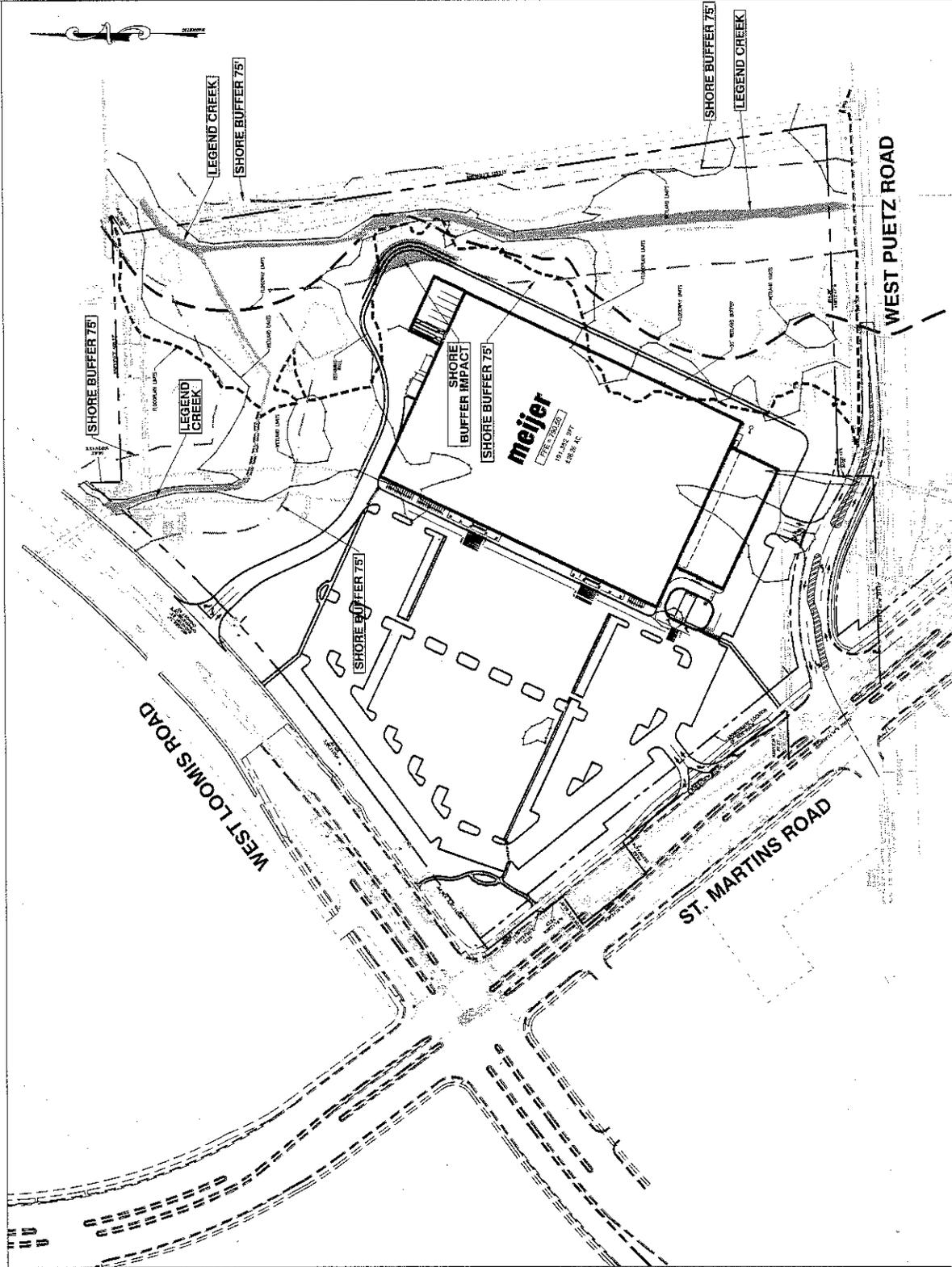
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[Symbol]	FLOODPLAIN IMPACT
[Symbol]	FLOODWAY LIMITS
[Symbol]	FLOODWAY IMPACT

MEIJER FLOODPLAIN / FLOODWAY
 SCALE: 1" = 80'
EXHIBIT-2

FRANKLIN, WISCONSIN
 20110525.0

DATE: 06-19-12

GreenbergFarrow
 21 S. Elmhurst Ave., Suite 200
 Franklin, WI 53128
 T: 847.758.8200 F: 847.758.8235



MEIJER
 SHORE BUFFER
 SCALE: 1" = 80'
 FRANKLIN, WISCONSIN
EXHIBIT-3

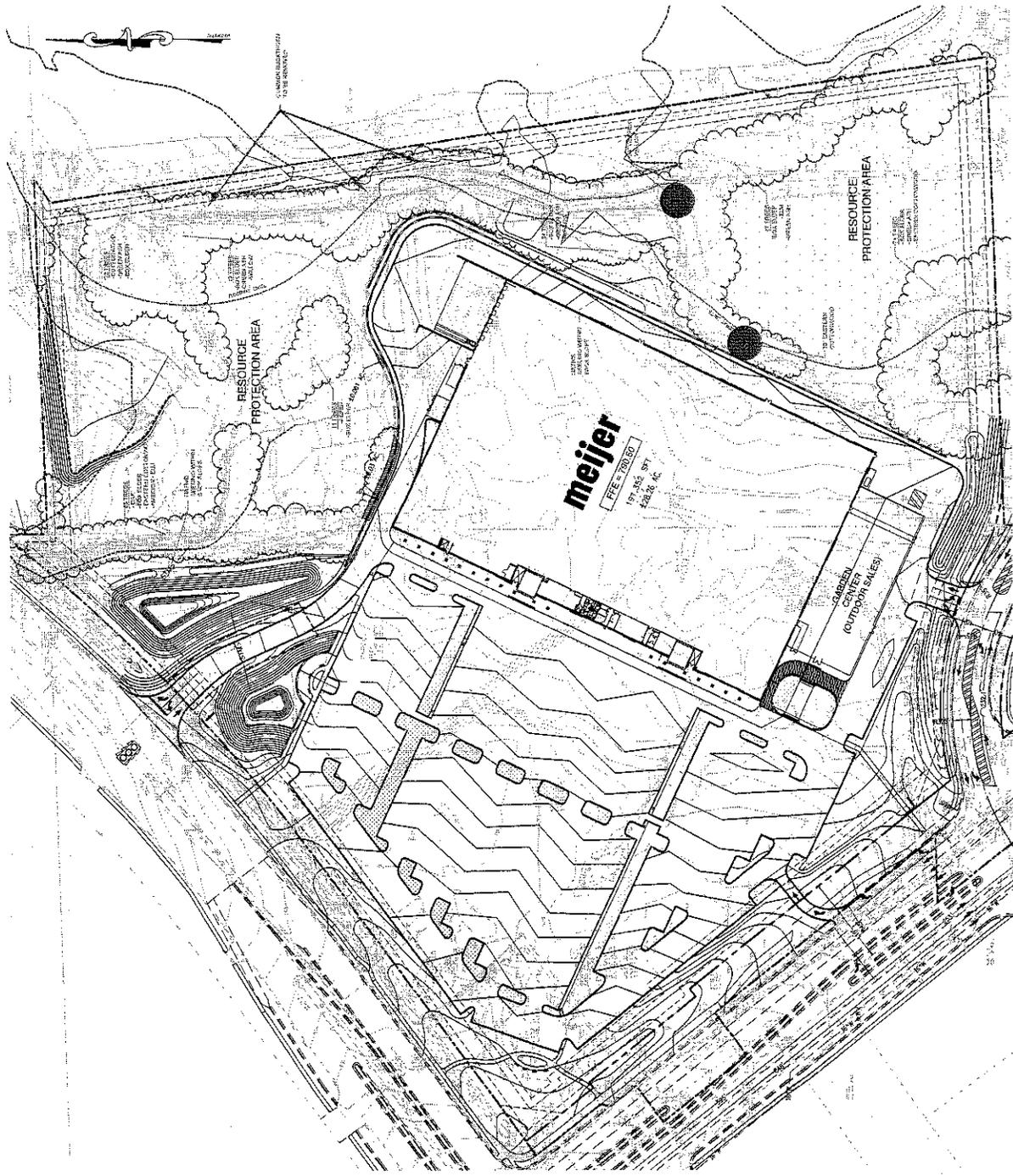
DATE: 06-19-12

GreenbergFarrow
 21 S. Evergreen Ave. Suite 200
 Arlington Heights, Illinois 60005
 t 847 768 9200 f 847 786 5536

MITIGATION NOTES

Meijer is offering the below activities to mitigate for impacts to the on-site wetlands, wetland buffers and floodplain areas:

- All impacts to on-site wetlands would be mitigated at a ratio of 1.5:1 per City, USACE and WDNR Requirements. This mitigation would occur at a USACE/WDNR approved wetland mitigation bank.
- On-site wetland buffer mitigation activities include:
 - Removal of common buckthorn (*Rhamnus cathartica*) along the banks of Legend Creek. There is an approximately 0.45-acre swath of dense shrubs along the east and west sides of Legend Creek. Removal would occur during the winter months when the buckthorn is dormant and the ground is frozen. Each stump would be cut at the base and treated with a Glyphosate (i.e., Roundup) herbicide approved for woody shrubs. The cut shrubs would be burned or removed off-site to a landfill. Two years of follow-up visits would occur to check for re-sprouts and treat as needed. (0.45 acres of credit)
 - Native seeding within the 19,059 sq ft (0.44 ac) floodplain compensatory storage area east of the building with a native seed mix designed to not interfere with floodplain storage function. (0.44 acres of credit)
 - Native seeding within the 934 sq ft (0.02 ac) back-slope of the wet detention pond using a native seed mix (0.02 acres of credit)
 - Preservation of approximately 320 trees including nearly a dozen larger specimen type trees. Of the 320+ existing to remain the majority far exceed the size requirement as set forth in Section 15-5.0302-D of the UDO. Included in the trees to be preserved are eight (8) specimen trees. Six (6) White and Bur Oak in the Northwest corner of the site with trunk diameters that range from 13"-18" in size. There is also a 30" caliper Eastern Cottonwood located just east of the proposed Meijer building and a larger 36" Weeping Willow along the eastern property boundary near Legend Creek. There were other areas of the site, which even though individual trees may not be of a specimen variety at this time they make a strong impact within the Natural Area being preserved. There is a nice grove of approximately 11 Aspen trees northwest of the proposed Meijer receiving area. Also a grove of approximately 37 Eastern Cottonwood along the Puszt Road boundary to the southeast of the Meijer garden center.
- Additional off-site but local wetland buffer and setback activities are being explored. Details of these activities are to follow.



MEIJER WETLAND MITIGATION
 SCALE: 1" = 80'
EXHIBIT A

FRANKLIN, WISCONSIN
 20110326.0
 DATE: 09-28-12

GreenbergFarrow
 21 S. Exchange, Suite 200
 Arlington Heights, Illinois 60005
 T. 847.768.9200 F. 847.768.9596

City of Franklin Environmental Commission

TO: Common Council
DATE: Wednesday, June 27, 2012
RE: Special Exception application review and recommendation
APPLICATION: David W. Behrens, Principal of GreenbergFarrow Architecture Inc., Applicant, dated: May 25, 2012

I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:

1. Unified Development Ordinance Section(s) from which Special Exception is requested: Section 15-4.0102
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

For the purpose of allowing for the filling of 1 shore buffer with 0.139 total affected acreage, 1 floodplain with 0.100 total affected acreage, 5 wetland buffers with 2.546 total affected acreage, 5 wetland setbacks with 2.222 total affected acreage, and 5 wetlands with 0.940 total affected acreage, to allow for the grading and construction of a 191,352 square foot grocery and department store and garden center development at the eastern corner of West Loomis Road and West St. Martins Road (STH 100).

3. Applicant's reason for request:

The proposed Meijer project is a redevelopment of the area designated for commercial development within the City-adopted Crossroads Trade Area Plan dated November 2004.

4. Applicant's reason why request is appropriate for Special Exception:

The applicant has stated that the area of impact is less than that proposed in the described Crossroads Trade Area Plan, but full avoidance could not be achieved while maintaining life safety, operational and City required standards.

II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: No significant impact on the total amount of existing flora located on the property.
2. Storm and flood water storage: A floodplain compensatory storage area will be added to address the removal of floodplain.
3. Hydrologic functions: The applicant is proposing to fill wetlands of various sizes, all of which contain hydrology on a year-round and/or seasonal basis. In addition, the applicant is also proposing to fill/develop a portion of the Legend Creek shore buffer.
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: Water quality protection is addressed in the stormwater management plan. The applicant also intends to treat stormwater using best management practices. This includes the use of rain gardens and bioswales.
5. Shoreline protection against erosion: The applicant will implement erosion sediment control to protect Legend Creek, a waterway that is located east of the project.
6. Habitat for aquatic organisms: No stated impact.
7. Habitat for wildlife: No stated impact.
8. Human use functional value: No impact.
9. Groundwater recharge/discharge protection: No stated impact.
10. Aesthetic appeal, recreation, education, and science value: The property is privately owned. A portion of the natural resources viewable from West Loomis Road and West Puetz Road will be filled/developed.
11. State or Federal designated threatened or endangered species or species of special concern: No stated impact.
12. Existence within a Shoreland: 0.256 acres of the 75-foot wide shore buffer will be impacted.
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently

mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: The limits of disturbance are located near, but not within, a Secondary Environmental Corridor.

III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): The City's Crossroads Trade Area Plan identifies encroachment into the natural resource features on the subject property.
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
 - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: ; *or*
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: Applicant has adjusted the site plan since the first submittal to lessen impacts on the protected natural resources.
3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: The Special Exception will not adversely affect the existing character of the neighborhood; *and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: The Special Exception will not undermine the neighboring properties. ; *and*
 - c. be in harmony with the general purpose and intent of the provisions of this Ordinance prescribing the requirement: The applicant must clarify mitigation plans at the Plan Commission meeting ; *and*
 - d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*): The applicant is proposing to remove buckthorn along the banks of Legend Creek.

IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: The project will meet all B-3 Community Business District setbacks from property lines.
2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: None.
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: The subject property is mostly vacant.
4. Aesthetics: The site currently contains wetlands, wetland buffers, wetland setbacks, floodplain shore buffer areas and a Secondary Environmental Corridor.
5. Degree of noncompliance with the requirement allowed by the Special Exception: The degree of noncompliance varies. The property contains 7.10 acres of wetlands, 4.417 acres of wetland buffers, 2.87 acres of wetland setbacks, 0.17-acres of floodplain, 0.36 acres of navigable stream (Legend Creek) and 0.256-acres of shore buffer. The applicant is proposing to fill/develop 0.940 acres of wetland (13.2%), 2.546 acres of wetland buffer (57.6%), 2.222 acres of wetland setback (77.4%), 0.100 acres of floodplain (58.8%); and 0.139 acre of shore buffer (54.3%).
6. Proximity to and character of surrounding property: Foresthill Highlands PDD to the east; single-family residences to the south; Walgreens and professional office to the west; and a Citgo Fueling Station, single-family residence and office complex to the north.
7. Zoning of the area in which property is located and neighboring area: B-3 Community Business District, PDD No. 31 and FW Floodway District.
8. Any negative affect upon adjoining property: The project will not negatively affect the adjoining property.
9. Natural features of the property: The property contains 7.10 acres of wetlands, 4.417 acres of wetland buffers, 2.87 acres of wetland setbacks, 0.17-acres of floodplain, 0.36 acres of navigable stream (Legend Creek) and 0.256-acres of shore buffer.
10. Environmental impacts: The applicant is proposing to fill/develop 0.940 acres of wetland, 2.546 acres of wetland buffer, 2.222 acres of wetland setback, 0.100 acres of floodplain; and 0.139 acre of shore buffer.

V. Environmental Commission Recommendation:

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
 - a. contingent on the applicant obtaining the proper permits from the State of Wisconsin Department of Natural Resources and the Army Corp of Engineers, approval of a Conservation Easement Agreement with the City of Franklin, and referred the evaluation for mitigation to the Plan Commission for review and approval.
 - b.
 - c.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 20 day of June, 2012.

Dated this 20 day of June, 2012.



Daniel Andres, Chairman

Attest:

, Vice-Chairman

NATURAL RESOURCE PROTECTION PLAN REPORT

**Proposed Meijer Commercial Development
Located East of Loomis Road (STH 36) &
St. Martin's Road (STH 100)
City of Franklin, Milwaukee County, Wisconsin**

Prepared for:

Greenberg Farrow Architecture, Inc.
21 South Evergreen Avenue, Suite 200
Arlington Heights, IL 60005

MAY 2012

Prepared by:

RA Smith National, Inc.
16745 West Bluemound Road
Brookfield, WI 53005-5938
Telephone: (262) 781-1000

RASN Project No. 1110182

Franklin

MAY 25 2012

City Development

Natural Resource Protection Plan Report

**Proposed Meijer Commercial Site
Located east of Loomis Road (STH 36) &
St. Martin's Road (STH 100)
City of Franklin, Milwaukee County, Wisconsin**

Project Number: 1110182

RA Smith National, Inc.
16745 West Bluemound Road, Suite 200
Brookfield, WI 53005-5938
Telephone: (262) 781-1000
www.rasmithnational.com

Prepared By:

Heather D. Patti, P.W.S.
Senior Ecologist

Tina M. Myers, P.W.S.
Senior Ecologist

Graphics Technician:

Nancy Parduhn Wilson

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Table 15-3.0503 Worksheet for Calculation of Resource Protection Land

Table 15-3.0504 Worksheet for Site Intensity Calculations

NRPP Checklist

May 17th, 2012

Ms. Emily Bernhal
GreenbergFarrow Architecture, Inc.
21 South Evergreen Avenue, Suite 200
Arlington Heights, IL 60005

**Subject: Natural Resource Protection Plan Report
Proposed Meijer Commercial Site**
City of Franklin, Milwaukee County, Wisconsin
RASN Project #: 1110182

Dear Ms. Bernahl,

RA Smith National, Inc (RASN) is pleased to provide this Natural Resource Protection Plan (NRPP) Report for an approximately 29.5-acre project area located in the easterly corner of Loomis Road (STH 36), West Puetz Road, and St. Martin's Road (STH 100) in the City of Franklin, Milwaukee County, Wisconsin. The subject site is referred to as the Meijer Commercial Site.

RASN conducted field assessments in March, April & May of 2012 in order to identify and delineate natural resource features within the Project Area (refer to NRPP Plan sheets in Appendix 1, Figures 2 & 2A). The natural resource features are defined and protected by the City of Franklin's Unified Development Ordinance (UDO). The applicant intends to construct a retail store that includes parking and stormwater design features.

The project area is located at the southeast corner of the STH 100 (St Martins Road) and STH 36 (West Loomis Road) intersection. It is located in the SE ¼ and the SW ¼ of the SE ¼ of Section 17, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (Appendix 1, Figure 1).

Ms. Heather Patti of RASN conducted field assessments on March 28th, 29th, and April 18th, 2012 to determine the extent of natural resources as defined by the City of Franklin's Unified Development Ordinance (UDO) within the Project Area. A follow up visit was conducted by M. Tina Myers of RASN on May 4th, 2012 to identify potential "specimen" trees within wooded portions of the parcel. As defined by the UDO, natural resource features include steep slopes, mature woodlands, young woodlands, lakes, ponds, streams, shore buffers, floodplains, wetlands, and wetland buffers and setbacks. Each feature is defined in the UDO, along with their respective protection standards.

Based on the field assessments, it was determined that five wetlands (W-1 through W-5) are located within the Project Area (Refer to NRPP Sheets in Appendix 1). The wetlands were delineated by Ms. Heather Patti of RASN during the site visits and later surveyed by RASN. The wetland boundaries and associated wetland buffer and setback included on the NRPP were derived from this delineation. Additionally, there are mapped streams, 75-foot shore buffers, and floodplain within the Project Area.

Table 15-3.0503 from the UDO (Appendix 3) was used to calculate the total acres of land in each natural resource feature and the acres of land required to be preserved based on the UDO's protection standards. Also included in Appendix 3 are the Site Intensity Calculations (Table 15-3.0504) and the NRPP Checklist. Site photographs are included in Appendix 2 for additional reference.

Deliver excellence, vision, and responsive service to our clients.

Existing Natural Resources within the Project Area

The 29.5-acre Project Area currently contains several (vacant) commercial sites along STH 36 and a vacant farmhouse and barn in the central portion of the project area. The delineated natural resource features are primarily located in the eastern portion of the project area, associated with wetland W-1 (Refer to NRPP Sheet in Appendix 1). The "Base Site Area" (BSA) measures 27.19 acres based on the Site Intensity worksheet calculations located in Appendix 3.

Steep Slopes

As defined in the UDO, there are three categories of steep slopes based upon the relative degree of steepness: "Ten (10) to twenty (20) percent, twenty (20) to thirty (30) percent, and greater than thirty (30) percent. No land area shall be considered a steep slope unless the steep slope area has at least a ten (10) foot vertical drop and has a minimum area of five thousand (5,000) square feet. Steep slopes exclude man-made steep slopes." There are no steep slopes, as defined by the UDO, located within the Project Area.

Lakes and Ponds

Lakes and Ponds, as defined by the UDO, are bodies of water two (2) acres or larger in size (Lakes) or less than two (2) acres in size (Ponds), as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference. There are no lakes or ponds located within the Project Area.

Streams/Shore Buffers

A stream is defined by the UDO as "a course of running water, either perennial or intermittent, flowing in a channel". Legend Creek, a tributary to the Root River, flows northerly along the eastern boundary of the Project Area, before turning northeasterly towards the Root River. An additional conveyance from an unnamed pond crosses STH 36 and enters the Project Area from the north, before turning and joining up with Legend Creek. Wetlands are delineated along both of these streams. The total stream acreage within the Base Site Area is 0.360 acre. Per the UDO, streams carry a 100 percent protection standard. For this project, no streams are proposed to be impacted.

A shore buffer is defined in the UDO as "all that land area located within 75 feet landward of the Ordinary High Water Mark (OHWM) of all ponds, streams, lakes, and navigable waters (as determined by the WDNR) and parallel to that OHWM which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation)". There is shore buffer along Legend Creek mentioned above, depicted on the NRPP Plan Sheets in Appendix 1. The total acreage of shore buffer within the Base Site Area is 0.740 acre. Per the UDO, shore buffers carry a 100 percent protection standard. For this project, the shore buffers are not anticipated to be impacted.

Floodplains/Floodways/Floodlands

According to the UDO, floodlands are all lands contained within the "regional flood" or 100-year recurrence interval flood. Floodlands are divided into the Floodway District, the Floodplain Conservancy District, and the Floodplain Fringe Overlay District. There is 100-year Federal Emergency Management Agency (FEMA) floodplain associated with Legend Creek, as shown on the NRPP Plan Sheets in Appendix 1. The total acreage of floodplain within the Base Site Area is 0.170 acre outside of the wetland and wetland buffer limits. Per the UDO, floodplains carry a 100 percent protection standard. The impacts to the floodplain are expected to be 0.150 acre and thus mitigation would be required per the City Ordinance.

Ms. Emily Bernahl
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Woodlands

As defined in the UDO, a mature woodland is “an area of stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty percent of which is composed of canopies of trees having a dbh of at least ten inches; or any grove consisting of eight (8) or more individual trees having a dbh of at least twelve inches whose combined canopies cover at least fifty percent of the area encompassed by the grove.” According to the UDO, mature woodlands carry a seventy (70) percent Protection Standard.

As defined in the UDO, a young woodland is “an area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is comprised of canopies of trees having a diameter at breast height (DBH) of at least three inches. However, no trees planted or grown for commercial purposes shall be considered young woodland”. According to the UDO, young woodlands carry a fifty (50) percent Protection Standard.

In addition to identifying young and mature woodland, the City requires that the location, size, and species of all healthy trees having a diameter of eight inch (8”) dbh or greater that are located in woodland areas within 25 feet of any proposed improvement and/or in woodland areas to be demolished due to the placement of improvements or grading are to be graphically shown on the NRPP.

Prior to the fieldwork, RASN used recent aerial photography from 2010 to determine whether the wooded areas within the site would meet the woodland size requirements of 0.5 acre (Young) and 1.0 acre (Mature). Where forested stands were within close proximity of each other, but were separated by significant gaps in their canopies due to roads or mowed paths, the areas were measured separately. Of the dozen distinctly separate woodland areas within the Site, none were greater than 0.5 acres in size. RASN then performed a field reconnaissance of these areas to determine if any these areas might meet the definition of a Mature Woodland “Grove” which requires only eight trees with a diameter of 12 inches or greater. A DBH measuring tape was used to measure trees that might meet or exceed this diameter. One area directly south of the existing farmhouse contained a stand of exactly eight box elder (*Acer negundo*) trees 12 inches or greater; however, three of these trees were showing significant signs of crown dieback and/or trunk rotting. Since these trees were considered unhealthy, they could not be counted as part of the mature woodland and therefore did not meet the UDO definition.

Since there were no stands of trees that met the definition of Young or Mature Woodland, the location of 8’ dbh trees was not required. However, RASN located individual “heritage” trees per the City’s request (Appendix 1, Figure 3). These “heritage” trees are not defined in the UDO and there is no protection standard for individual trees that are not in a UDO-defined woodland; however, based on conversations with the City, these types of trees are typically large (at least 10” dbh) native trees such as oaks, hickories, maples, elms, and walnuts that should be avoided if possible. In addition, RASN identified large (>16” dbh) ornamental trees that should also be avoided if possible.

In general, the Project Area contained primarily box elder (*Acer negundo*), green ash (*Fraxinus pennsylvanica*), and eastern cottonwood trees (*Populus deltoides*). Other trees that were identified in less abundance included white oak (*Quercus alba*), bur oak (*Quercus macrocarpa*), black willow (*Salix nigra*), American elm (*Ulmus americana*), quaking aspen (*Populus tremuloides*), Siberian elm (*Ulmus pumila*), horse chestnut (*Aesculus hippocatanum*), sugar maple (*Acer saccharum*), and spruce (*Picea* spp.). Most of the small densely wooded areas shown on the aerial also have well developed dense understories of invasive shrub species such as common buckthorn (*Rhamnus cathartica*) and honeysuckles (*Lonicera* spp.) and have few large trees.

Wetlands and Shoreland Wetlands

A wetland delineation was completed by Ms. Heather Patti of RASN during the site visits in March and April of 2012 and surveyed by RASN. Five wetlands, referred to as W-1 through W-5, were delineated within the Project Area. These wetlands combined total 7.26-acres in size. The wetland delineation report was submitted to the

Ms. Emily Bernahl
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Wisconsin Department of Natural Resources and the US Army Corps of Engineers on April 27th, 2012 for concurrence. Please refer to the site photographs in Appendix 2 for visual representations of the delineated wetlands.

Since the wetland overlaps with other protected features within the site such as streams and shoreland buffer, the total wetland acreage beyond these other features was calculated as 7.080 acres. Of this acreage, 1.260 acres are anticipated to be impacted and thus 1.890 must be mitigated using the City's required 1.5:1 mitigation ratio standard.

Wetland Buffers (30 feet)

Wetland buffers as defined in the UDO are depicted on the NRPP Plan Sheet in Appendix 1. These 30-foot buffers are associated with the delineated wetlands. The width of the wetland buffer per the UDO is 30 feet outward from the wetland boundary. The total area of wetland buffer within the Project Area is 4.66 acres and of this, 2.520 acres are anticipated to be impacted. Wetland buffers carry a 100 percent Protection Standard; therefore 3.780 acres of wetland buffers are required to be mitigated using the City's standard 1.5:1 ratio.

Wetland Setbacks (50 feet)

The width of the wetland setback per the UDO is 50 feet from the wetland boundary or an additional 20' from the 30' wetland buffer. The Study Area contains 2.15 acres of wetland setbacks, depicted on the NRPP Sheets in Appendix 1. The current site plans proposes 1.72 acres of impact to the wetland setback. Per the UDO, if construction or disturbance occurs within the area of land that lies between the landward edge of the required wetland buffer and the required wetland setbacks, then permanent vegetative cover should be established or reestablished and maintained throughout the remaining area in which the construction of disturbance is located. However, where wetland buffer is disturbed, the UDO also typically allows for the disturbance of the setback upon the same terms and conditions.

Proposed Natural Resources Impacts, Protection & Mitigation

As stated above, five wetlands (W-1 through W-5), their associated buffers and setbacks, one stream and its shoreland setback and one floodplain are located within the Project Area. According to the UDO, all of the aforementioned features carry a 100% protection standard and all but the stream and shoreland buffer permit mitigation as a result of impacts. Based on the current Site Plan, impacts to wetlands, wetland buffer and setbacks, and floodplain are anticipated. Impacts to the wetlands are anticipated to be mitigated at a WDNR and US Army Corps of Engineers – approved wetland mitigation bank. Mitigation details of wetland buffer and setback areas are yet to be determined.

It is anticipated that the remaining on-site natural resources will be protected in perpetuity under a permanent natural resource Conservation Easement (to be provided under separate cover).

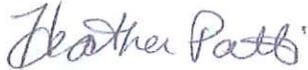
Summary

RASN delineated five wetlands within the Project Area and these are shown on the NRPP Plan Sheet in Appendix 1 along with their associated wetland buffers and setbacks. Associated with the wetlands were also Legend Creek and its shoreland buffer and floodplain. The NRPP Plan Sheet (Appendix 1, Figure 2) graphically depicts each natural resource feature. The associated NRPP table on the Plan Sheet shows the acres of land in each resource feature and acres of land required to be preserved. Impacts to the wetlands are anticipated to be mitigated at a WDNR and US Army Corps of Engineers – approved wetland mitigation bank. Mitigation details of wetland buffer and setback areas are yet to be determined. It is anticipated that the remaining on-site natural resources will be protected in perpetuity under a permanent natural resource Conservation Easement (to be provided under separate cover).

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We appreciate the opportunity to work with you on this project. If you have any questions or comments concerning this report or the overall project, please call Heather Patti at (262) 317-3361 or email Heather at heather.patti@rasmithnational.com.

Sincerely,



Heather Patti, PWS
Lead Ecologist/Project Manager



Tina Myers, PWS
Ecologist/Project Manager

APPENDICES

Appendix 1: Figures

- Figure 1: USGS Map/Site Location Map
- Figure 2-2A: NRPP Plan Sheets
- Figure 3: Specimen Tree Locations

Appendix 2: Site Photographs

Appendix 3: NRPP Worksheets/Checklist

Appendices

Appendix 1: Figures

Appendix 2: Site Photographs

Appendix 3: NRPP Worksheets / Checklist

Appendix 1: Figures

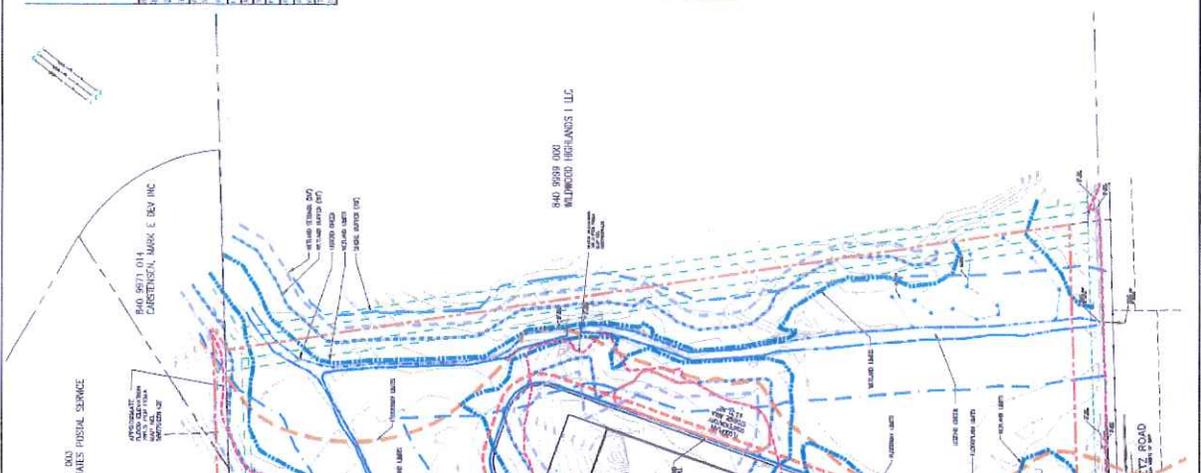
Figure 1: USGS Map/Site Location Map

**Figure 2: Natural Resource Protection Plan map
(overlain on 2010 aerial)**

Figure 2A: Natural Resource Protection Plan map

Figure 3: Specimen Tree Locations

Project Details	Proposed Area		Area of Wetland	Area of Floodway	Area of Other Wetland	Total Area
	Acres	Sq. Ft.				
Proposed Area	1.11	47,856	1.11	47,856	1.11	47,856
Wetland	0.15	6,561	0.15	6,561	0.15	6,561
Floodway	0.05	2,178	0.05	2,178	0.05	2,178
Other Wetland	0.05	2,178	0.05	2,178	0.05	2,178
Total	1.36	62,773	1.36	62,773	1.36	62,773



OWNER:
Paul Bouras
Bouras Investments
4635 South 100th Street
Greenfield, WI 53228

Contractor:
Emily Bernick
Greenberg Farrow
847-788-9200

PROJECT AREA LOCATION:
EAST SIDE OF WEST PUETZ ROAD AND S11 100
IN THE SE 1/4 OF SECTION 17 AND
THE NE 1/4 OF SECTION 20,
TOWNSHIP 5 NORTH, RANGE 21 EAST

WETLAND DELINEATION PERFORMED ON
MARCH 28, 29 AND APRIL 18, 2012
BY HEATHER PATLAK, PMS, PWS

THE LOCATION OF EXISTING UTILITY UTILITIES IS SHOWN ON THIS PLAN AND APPROXIMATE. THERE IS NO GUARANTEE AS TO THE ACCURACY OF THE PROJECT AREA BOUNDARIES AND THE LOCATION OF EXISTING UTILITY UTILITIES.

ALL SURVEYING AND ENGINEERING SERVICES PROVIDED BY R.A. SMITH NATIONAL, INC. ARE SUBJECT TO THE TERMS AND CONDITIONS OF THE PROFESSIONAL SERVICE AGREEMENT AND THE STANDARD CONDITIONS OF CONTRACT. THE PROFESSIONAL SERVICE AGREEMENT AND STANDARD CONDITIONS OF CONTRACT ARE AVAILABLE AT THE OFFICE OF R.A. SMITH NATIONAL, INC. AT 1425 W. WISCONSIN ROAD, SUITE 200, WAUWATOSA, WI 53226.



Legend

- WO - White Oak, DBH
- SM - Sugar Maple, DBH
- BO - Bur Oak size, DBH
- EC - Eastern Cottonwood, DBH
- HC - Horsechestnut, DBH
- AE - American Elm, DBH

● Specimen Trees

Figure 3
Specimen Tree Locations
Proposed Meijer Commercial Site
City of Franklin
Milwaukee County, WI

Data Source:
 Esri, i-cubed, USDA, USGS, AEX,
 GeoEye, Getmapping, Aerogrid, IGN,
 IGP, and the GIS User Community

0 150 300



1 inch = 300 feet



R.A. Smith National

*Beyond Surveying
 and Engineering*

Appendix 2:

Site Photographs



SITE PHOTO 1: May 4, 2012 – General view of Legend Creek. Its UDO-defined shore buffer is 75 feet landward from the Ordinary High Water Mark.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

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SITE PHOTO 2: May 4, 2012 – General view of W-1, facing east.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

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SITE PHOTO 3: May 4, 2012 – View of W-2's boundary, facing south towards STH 100.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

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SITE PHOTO 4: May 4, 2012 – General view of W-3, facing north towards the old farmstead.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

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SITE PHOTO 5: May 4, 2012 – General view of W-4, facing south towards West Puetz Road.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

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SITE PHOTO 6: May 4, 2012 – General view of the south central portion of W-5, facing east.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

R.A. Smith National
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and Engineering*



SITE PHOTO 7: May 4, 2012 – Wooded area that was investigated as a potential mature woodland. The area contained 8 box elder trees with diameters greater than 12 inches; however, three of the trees were noted as appearing unhealthy due to crown dieback and rotting trunks.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

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SITE PHOTO 8: May 4, 2012 – View of one of the unhealthy box elder trees that was 12” inches or greater just south of the existing farmhouse.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

R.A. Smith National
*Beyond Surveying
and Engineering*



SITE PHOTO 9: May 4, 2012 – One of the gaps observed between wooded areas that broke the continuity of the woodland resulting in separate areas that were less than 0.5 acres.

SITE PHOTOGRAPHS

Natural Resource Protection Plan
Proposed Meijer Commercial Site
City of Franklin, Milwaukee County, WI

R.A. Smith National
*Beyond Surveying
and Engineering*

Appendix 3:

NRPP Worksheets/ Checklist:

**Table 15-3.0503 Worksheet for Calculation of Resource Protection
Land**

**Table 15-3.0504 Worksheet for Site Intensity Calculations NRPP
Checklist**

**Table 15-3.0505
SITE INTENSITY CALCULATIONS**

CALCULATION OF BASE SITE AREA

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property	1298566 SF 29.81 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area	114164 SF 2.62 acres
STEP 3:	Subtract (-) land which, as part of a previously approved development or land division, was reserved for open space.	0.00 acres
STEP 4:	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	0.00 acres
STEP 5:	Equals "Base Site Area"	27.19 acres

Table 15-3.0503
WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	Acres of Land Required to be Preserved	Acres of Land to be Impacted	Acres of Land Required to be Mitigated
	Agricultural District	Residential District	Non-Residential District				
Steep Slopes	0	0.6	0.4	X 0.000 =	0.000	0.000	0.000
	0.65	0.75	0.7	X 0.000 =	0.000	0.000	0.000
	0.9	0.85	0.8	X 0.000 =	0.000	0.000	0.000
Woodlands & Forests	0.7	0.7	0.7	X 0.000 =	0.000	0.000	0.000
	0.5	0.5	0.5	X 0.000 =	0.000	0.000	0.000
Lakes & Ponds	1	1	1	X 0.000 =	0.000	0.000	0.000
Streams	1	1	1	X 0.360 =	0.360	0.000	0.000
Shore Buffer	1	1	1	X 0.740 =	0.740	0.030	0.045
Floodplains/Floodlands	1	1	1	X 0.170 =	0.170	0.150	0.150
Wetland Buffers	1	1	1	X 4.660 =	4.660	2.520	3.780
Wetlands & Shoreland Wetlands	1	1	1	X 7.080 =	7.080	1.260	1.890
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Required to be Protected)				=	13.01 Acres		5.87 Acres

NATURAL RESOURCE PROTECTION PLAN CHECKLIST

Date of Submittal		5/17/2012	
Taxkey ID #		See NRPP Plan	
Project Name		Proposed Meijer Development - Franklin	
Staff Use	Complete or NA	Natural Resources that must be Identified, Measured, Graphically Depicted	Ordinance #
	N/A	Steep Slopes (delineated and graphically indicated)	15-4.0102-A
	N/A	Woodlands and Forests (delineated and graphically indicated)	15-4.0102-B
	N/A	Lakes and Ponds (delineated and graphically indicated)	15-4.0102-C
	Complete	Streams (delineated and graphically indicated)	15-4.0102-D
	Complete	Shore Buffers (delineated and graphically indicated)	15-4.0102-E
	Complete	Floodplain/Floodway/Floodlands (delineated and graphically indicated)	15-4.0102-F
	Complete	Wetlands and Shoreland Wetlands (delineated and graphically indicated)	15-4.0102-G
	Complete	Wetland Buffers-30 ft. "No Touch" (delineated and graphically indicated)	15-4.0102-H
	Complete	Wetland Setbacks-20 ft. "No Build" (delineated and graphically indicated)	15-4.0102-I
	Complete	Proposed Development Name	15-7.0201-A
	Complete	Location (physical address or section-1/4 section information)	15-7.0201-B
	Complete	Scale, North Arrow, Contours (2' interval)	15-7.0702-L
	Complete	Names, Addresses, Telephone #s of Owners, Subdividers, Lessee, Developer	15-7.0201-C
	Complete	Date and All Applicable Revision Dates	15-7.0201-D
	Complete	Site Boundary	15-7.0201-E
	Complete	Lot Lines, Right of Way Lines, and Easements	15-7.0201-F
	Complete	Existing Streets	15-7.0201-G
	Complete	Easements and Neighboring Property Boundaries	15-7.0201-H
	Complete	Location and Extent of Existing Natural Resource Features**	15-7.0201-I
	Complete	Disturbed and Preserved Nat. Resource Features (shown graphically and numerically on plan)	15-7.0702-J
	TBD	Method of Nat. Resource Preservation (Cons. Easements, Protective Covenants, etc.)	15-7.0702-K
	Complete	Site Intensity and Capacity Calculations Required	15-7.0702-N
	TBD	Mitigation Plan** (See attached pages)	15-4.0103
	Complete	Name of Person Performing Wetland Delineation	
	Complete	Date of Wetland Delineation	
Staff Notes		Reviewer's Initials: _____	
Special Exception Application in progress			

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Plymouth Service Center
1155 Pilgrim Road
Plymouth, WI 53073

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



08/06/2012

IP-SE-2012-41-03390,3391

Meijer
2929 Walker Ave. NW
Grand Rapids, MI 49544

RE: Application to impact wetlands adjacent to Legend Creek, located in the City of Franklin, Milwaukee County, also described as in the SW1/4 of the SE1/4 of Section 17, Township 5 North, Range 21 East.

Dear Sir or Madam :

We have received your application to fill several wetland areas adjacent to Legend Creek for a new large block commercial development. The burden of proof is on the applicant to demonstrate that there is no practicable alternative to the project that will not impact the wetlands. Then the applicant must demonstrate that any unavoidable wetland impacts have been minimized. This burden of proof has not been met with this application.

The stated purpose of the project is for commercial development. There is no doubt that this large property could be developed for commercial use without any wetland fill at all. Clearly there is a specific company planning to develop this site. It appears that the following amenities are desired for this company:

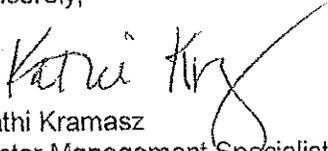
- Large block building
- Drive through pharmacy
- Outdoor garden area
- Semi loading docks
- Customer parking

Even a large block building could fit on this site without any wetland fill. In addition, it appears that with orienting the building a different direction and locating the desired amenities in alternative locations, even this proposed building can be developed with minimal wetland fill. DNR issued a past permit to fill wetlands #1 and #2 for commercial development, and part of the fill for wetlands #3 and #4 is being required for the public roadway reconstruction. We can approve this wetland fill as needed.

However, you will need to demonstrate why the site cannot be developed with either alternate #1 that completely avoids all other wetland fill or alternate #2 that minimizes the wetland fill, or third combination of the 2. As discussed in the pre application meeting, you must consider underground stormwater management and/or off site treatment, in addition to green roofing, use of medians, etc for stormwater management. Both of these alternatives also help minimize the floodplain fill and compensatory storage requirements and would avoid a shoreland-wetland rezone.

If you have any questions, please call me at (920) 892-8756 ext 3031.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathi Kramasz". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Kathi Kramasz
Water Management Specialist

C: RA Smith National, Inc
City of Franklin
Anthony Jernigan, COE
Jamie Lambert, DNR Stormwater Specialist

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee WI 53212-3128

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
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August 3, 2012

Mr. Nick Fuchs, Senior Planner
Department of City Development
City of Franklin
9229 West Loomis Road
Franklin, WI 53132-9728

Franklin

AUG 8 2012

City Development

Subject: Preliminary Floodplain Review – Proposed Meijer Commercial Site

Dear Mr. Fuchs:

Thank you for submitting preliminary plans to the Department for the proposed Meijer Commercial Site. The site is located on the east side of the intersection between West Loomis Road (STH 36), St. Martins Road (STH 100), and West Puetz Road. As the Department Floodplain Engineer covering Milwaukee County, I am in a position to provide assistance to the City in interpreting your Floodplain Zoning Ordinance and Wisconsin Administrative Code Chapter NR 116. This review was completed on that premise.

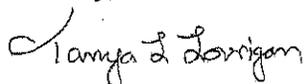
1. A portion of the property is located within the Legend Creek floodplain on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, as adopted in the floodplain ordinance. The Regional Flood Elevation (RFE) ranges from 781.4 to 781.0 feet, NGVD 29 Datum. A portion of the property is also in an approximate flood zone where flood elevations have not been determined.
2. The proposed structure is located in the floodfringe and must be built in full compliance with the floodfringe commercial development standards in the floodplain ordinance. Standards require that the elevation of any lowest floor must be at or above the Flood Protection Elevation (FPE) - two feet above the RFE - on fill. The fill shall be one foot or more above the RFE extending at least 15 feet beyond the limits of the structure. Contiguous dryland access should also be provided from the structure to land outside the floodplain. **Based on my interpretation of the June 25, 2012 plans, the project appears to meet these development standards.** It is my understanding the proposed structure will not have a basement or crawlspace. If one is proposed, additional standards would apply.
3. **Please note that the structure would still be considered in the 100-year floodplain for regulatory and insurance purposes.** If the property owner wants to officially remove the lands from the floodplain according to the City Ordinance and Wis. Admin. Code NR116, the lands need to be filled at least two feet above the Base Flood Elevation and the fill needs to be contiguous to land outside the 100-year floodplain. Based upon my understanding of the plans, these requirements would be met.

However, the applicant would also need to submit a Letter of Map Revision based on Fill (LOMR-F) to FEMA. With FEMA's issuance of a LOMR-F, the parcel would be removed from the floodplain for insurance purposes. After the LOMR-F is issued, the City would amend the floodplain ordinance to adopt the new information and submit the amendment to the Department for approval. At that point, the lands would also be removed from the floodplain for zoning purposes.

4. The Department's experience has been that the best time to submit the LOMR-F for these types of projects is after placing the fill but prior to constructing the building. However, you or the applicant may want to contact the FEMA Map Information eXchange to verify. FEMA map specialists can be reached at FEMAMapSpecialist@riskmapcds.com or 877-336-2627.
5. As part of the LOMR-F application, a community official signs the "Community Acknowledgement Form" indicating the community has determined that the proposed structure is reasonably safe from flooding. You may want to review FEMA Technical Bulletin 10-01, "Ensuring That Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding" for additional guidance.
6. This review only addresses floodplain considerations. Other federal, state, and local permitting may be required.
7. If the City of Franklin has more restrictive requirements than Wisconsin Administrative Code Chapter NR 116 such as compensatory storage, then those requirements must also be met.

Thank you for the opportunity to review the preliminary plans for the Meijer Commercial Site. If you have any questions, please feel free to contact me at (414) 263-8641 or Tanya.Lourigan@wisconsin.gov.

Sincerely,



Tanya L. Lourigan, P.E.
Water Management Engineer
Milwaukee Service Center

cc: Michael Hahn, PE, PH – Southeastern Wisconsin Regional Planning Commission
Heidi Kennedy, Shoreland Policy Coordinator – DNR Madison
Kathi Kramasz, Water Management Specialist – DNR Plymouth

RECEIVED

AUG 06 2012

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607

TELEPHONE (262) 547-6721
FAX (262) 547-1103

City of Franklin
Engineering Department

August 2, 2012

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WAUKESHA



Mr. John M. Bennett, P.E.
City Engineer
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

SEWRPC No. CA 405-366

Dear Mr. Bennett:

Pursuant to your July 12, 2012, electronic mail request to Michael G. Hahn of the Commission staff, we have reviewed a grading plan, floodplain exhibit, and compensatory storage analysis prepared by GreenbergFarrow for a proposed Meijer store along Legend Creek southeast of the intersection of STH 100 (St. Martins Road) and STH 36 (W. Loomis Road) in the southeast one-quarter of U.S. Public Land Survey Section 17, Township 5 North, Range 21 East, City of Franklin. It is proposed to place fill within the one-percent-annual-probability (100-year recurrence interval) floodplain of Legend Creek to accommodate the development and to provide compensatory floodwater storage volume to offset the storage volume lost due to filling.

The compensatory storage analysis shows that the proposed compensatory floodwater storage is greater than the volume of fill placed below the one-percent-probability flood stage elevation and that the compensatory storage area would be expected to drain freely between floods. Also, the proposed floodplain filling is located outside the floodway. Thus, the proposed project would not be expected to result in an increase in the Legend Creek one-percent-probability flood stage, and would, therefore, meet the requirements of both the City zoning ordinance and the *Wisconsin Administrative Code* regarding not creating flood stage increases.

It is recommended that the City require that as-built topographic information for the cut and fill areas be submitted for City review and approval. Cross-sections should be surveyed along each of the excavated and filled areas prior to and after excavating or filling, and calculations should be provided verifying the total volume of fill placed below the one-percent-probability flood elevation and the total volume of excavation below the one-percent-probability flood elevation.

It is our understanding that Tanya L. Lourigan, Wisconsin Department of Natural Resources Water Management Engineer, will provide the City with information related to project sequencing and agency approval of revisions to the local floodplain zoning ordinance and the Federal Emergency Management Agency (FEMA) floodplain map.

We trust that the foregoing is fully responsive to your request. Should you have any questions, please contact Mr. Hahn directly.

Sincerely,

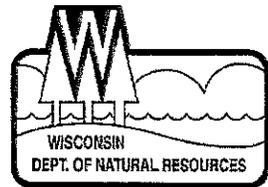
Kenneth R. Yunker, P.E.
Executive Director

KRY/MGH/pk
PROPOSED MEIJER DEV - FLPL CUT & FILL RVW (00206238).DOC

cc: Ms. Tanya L. Lourigan, WDNR-Milwaukee
Mr. Lee Traeger, FEMA Region V

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Sturtevant Service Center
9531 Rayne Road
Sturtevant WI 53177

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
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July 17, 2012

Nick Fuchs
City of Franklin
9229 W Loomis Road
Franklin, WI 53132

Subject: Meijer Site

Dear Mr. Fuchs:

The Department recently met with representatives of GreenbergFarrow to discuss the post-construction storm water total suspended solids (TSS) reduction requirement for the proposed Meijer development site in the City of Franklin. Based on this meeting and supplemental information, the Department agrees that the Meijer development site can be considered a combination of new development and redevelopment for the purpose of compliance with the TSS reduction requirements of s. NR 151.122, Wis. Adm. Code.

The TSS reduction requirement for the Meijer development site should be prorated using an area weighted average based on the specific requirements for new development and redevelopment found in Table 1 of s. NR 151.122, Wis. Adm. Code. The Department concurs with calculations conducted by GreenbergFarrow indicating that the prorated TSS reduction requirement for the Meijer development site is 48%.

Feel free to call me at (262) 884-2360 if you have any questions.

Sincerely,

Peter C. Wood, P.E.
Water Resources Engineer

CC: Keri Williams - GreenbergFarrow

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
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July 13, 2012

IP-SE-2012-41-03390 to 03394

Meijer
2929 Walker Ave. NW
Grand Rapids, MI 49544

Franklin

JUL 17 2012

City Development

To Whom it May Concern:

This acknowledges receipt of your application to impact wetlands, City of Franklin in Milwaukee County.

Our field staff are currently evaluating your proposal. Depending on the amount of information you provided and the complexity of your project, you may be asked to provide additional information so that a complete evaluation can be made. We will notify you of the final disposition of your application as soon as we complete our review.

If you have not already done so, please contact the City of Franklin zoning office to determine if a local permit is also required for your project. I have forwarded a copy of your application to the U.S. Army Corps of Engineers. They will advise you directly as to whether their regulations apply to your project.

If you have any questions, please contact your local Water Management Specialist, Kathi Kramasz at (920) 892-8756.

Sincerely,

Deborah Lee
Waterway and Wetland Permit Intake Specialist
(608) 266-3910

cc: Kathi Kramasz – Water Management Specialist
Anthony Jernigan – Project Manager, U.S. Army Corps of Engineers
Heather Patti – R.A. Smith National, Inc.
City of Franklin

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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July 10, 2012

Mr. Joel E. Dietl, AICP
Planning Manager
City of Franklin Department of
City Development
9229 W. Loomis Road
Milwaukee, WI 53132

Franklin

JUL 11 2012

City Development

Re: SEWRPC No. CA-405-195

Dear Mr. Dietl:

This will respond to your electronic mail message of May 2, 2012, requesting the Commission staff to conduct a field inspection of the proposed Meijer Commercial Development site located east of the intersection of STH 100 and STH 36. The purpose of the field inspection would be to identify in the field the boundaries of the secondary environmental corridor (SEC) and wetlands contained on the subject development site. The development site is located in parts of the Southeast one-quarter of U.S. Public Land Survey Section 17, Township 5 North, Range 21 East, City of Franklin, Milwaukee County.

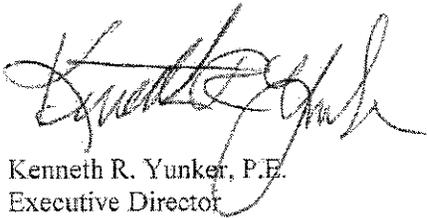
At the time the Commission staff received your request, the Commission staff was notified that a recent field delineation of the wetlands and SEC had already been conducted by Ms. Heather Patti, PWS, Ecologist/Project Manager, with R. A. Smith National. Accordingly, the Commission staff scheduled a June 14, 2012, field inspection with yourself and Ms. Patti for the purpose of reviewing Ms. Patti's findings.

One area on the southeastern corner of the property consisting of an upland prairie remnant had not been included in the SEC depicted on Figure 3 in the environmental corridor delineation report. It has been the Commission's policy to include upland prairie remnants in environmental corridors when in close proximity to other environmental corridor resources. Ms. Patti agreed to make this addition to the SEC and forwarded a revised Figure 3 (see attached). Based upon a review of the wetland and environmental corridor delineation reports, our June 14th field inspection and the revision to Figure 3 completed by Ms. Patti, please be advised that the Commission concurs with the wetland and SEC delineation.

Mr. Joel E. Dietl, AICP
July 10, 2012
Page 2

Should you have any questions regarding this information, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth R. Yunker". The signature is fluid and cursive, with the first name being the most prominent.

Kenneth R. Yunker, P.E.
Executive Director

KRY/DMR/CJJ/dad
ca405-195 (00205681).DOCX

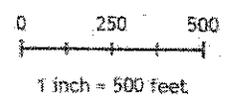
Enclosures

cc: Ms. Heather Patti, PWS
Ms. Emily Bernahl
Ms. Kathleen Kramasz
Mr. Anthony Jernigan



Figure 3
Environmental Corridor Map
Proposed Meijer Commercial Site
City of Franklin
Milwaukee County, WI

Data Source: Sanitary Sewer Service Area
 for The City of Franklin,
 Community Assistance Planning
 Report No. 176 (2nd Edition),
 Map 5-4
 SEWRPC (2012)



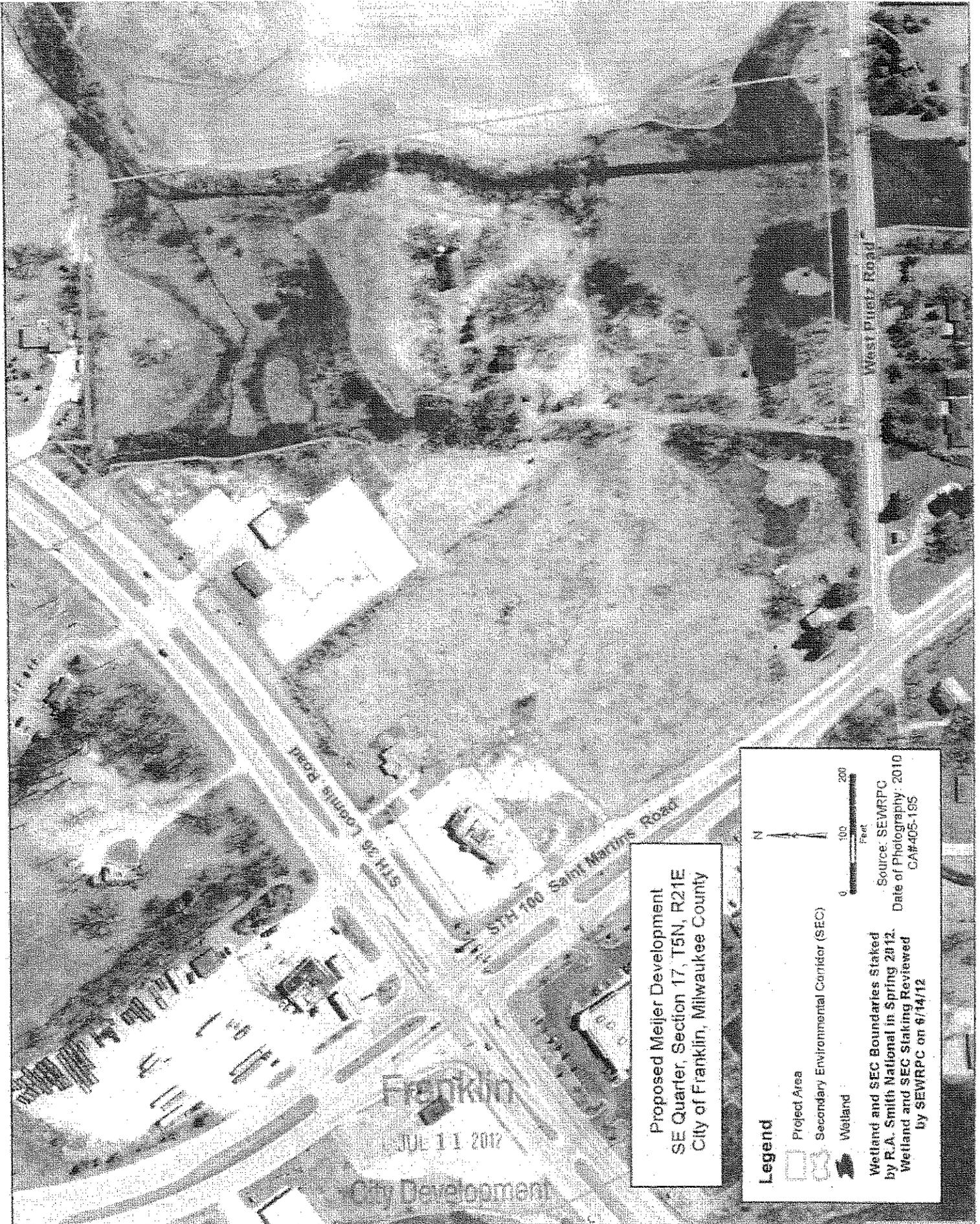
R.A. Smith National
Surveying and Engineering

JULY 1, 2012

City Development

- | | |
|---|--|
|  PRIMARY ENVIRONMENTAL CORRIDOR |  PLANNED SANITARY SEWER SERVICE AREA |
|  SECONDARY ENVIRONMENTAL CORRIDOR |  GROSS SANITARY SEWER SERVICE AREA BOUNDARY |
|  ISOLATED NATURAL RESOURCE AREA | RESTRICTIONS ON SEWERED DEVELOPMENT |
|  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS |  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPOSED OF MEADOWS, RICELANDS, SHORLANDS AND OTHER TYPES OF WETLANDS OR AREAS THAT ARE NOT PERMITTED FOR DEVELOPMENT IN THESE AREAS IS NOT PERMITTED |
|  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS | |

Source: SEWRPC



Proposed Meijer Development
SE Quarter, Section 17, T5N, R21E
City of Franklin, Milwaukee County

Legend

-  Project Area
-  Secondary Environmental Corridor (SEC)
-  Wetland

Wetland and SEC Boundaries Staked
by R.A. Smith National in Spring 2012.
Wetland and SEC Staking Reviewed
by SEWRPC on 6/14/12

Scale: 0 100 200 Feet

Source: SEWRPC
Date of Photography: 2010
CA#405-195

Franklin
JUL 11 2012
City Development

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



June 29, 2012

Nicholas Fuchs
Senior Planner
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

Franklin

JUL 2 2012

City Development

Re: Natural Resources Special Exception for proposed Meijer Store Development

Dear Mr. Fuchs:

On June 11, 2012 the Department was notified by the City of Franklin that Bouraxis Investments and Greenberg Farrow have submitted a request to rezone tax parcels: 840 9999 001, 840 9998 000, 840 9997 001 through 003, and 840 9993 000 from B-3 and PDD No. 31 to PDD No. 36 and that the proposed rezoning would impact approximately 6.81 acres of shoreland wetland.

Under section 15-11.0101 of the City's Unified Development Ordinance (UDO), it defines a shoreland as those lands lying within...three hundred (300) feet from a river or stream, or to the landward side of the floodplain as designated on the adopted City of Franklin Zoning Map; whichever distance is greater. Further in section 3.0322, the City's UDO states that "[t]he Shoreland Wetland Overlay District includes all wetlands within the shoreland...and additional nonshoreland wetlands which are adjacent to shoreland wetlands."

The maps submitted by the applicant, with the application, identify the navigable waterway, the floodplain and wetland boundaries, but fail to identify the extent of the shoreland zone. The majority of the wetlands on the Bouraxis property, as identified above, would fall within the shoreland zone and should therefore be considered shoreland wetlands.

Consequently, the proposed uses of the shoreland wetlands must meet section 15-3.0607, the City UDO, otherwise the use is prohibited. See section 15-3.0322 of the City's UDO. As a prohibited use of a shoreland wetland, the City's Plan Commission and Common Council will have to find that the rezoning of the shoreland wetlands on the Bouraxis property, as identified above, will meet the standards in Section 15-9.0207 B.2. and not have a significant adverse impact on the functional values of the wetlands.

As you may know, the applicant must receive approval from the department of natural resources and possibly the US Army Corps of Engineers to place fill within a wetland. At this time the department has not received a permit application for the proposed project. As such, the department is hereby notifying the City, as required under Section 15-9.0207 B.3. of the UDO, that the proposed rezoning of this parcel may have significant adverse impacts to the wetlands on the Bouraxis property. Therefore, the department is recommending that the Plan Commission and Common Council either deny or delay approval of the rezoning request until the applicant is able to provide the City with a copy of the permits, from the department and the Corps of Engineers to fill the wetlands.

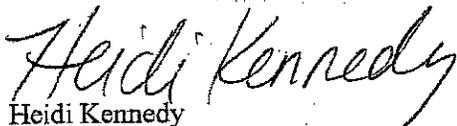
However, if the Common Council chooses to proceed and approves the rezoning of these shoreland wetlands, the approval must contain the following provision:

"This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the Common Council's approval of this amendment was mailed to the

Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Common Council that it will adopt a superseding shoreland ordinance for the City, pursuant to Section 62.231 of the Wisconsin Statutes. If the Department does so notify the Common Council, the effect of this amendment shall be stayed until the Section 62.231 adoption procedure is completed or otherwise terminated."

Thank you for the opportunity to comment. The department looks forward to working with the City and the applicant in protecting and enhancing the natural resources in the City of Franklin. Please feel free to contact me at 608-261-6430 or at Heidi.kennedy@wisconsin.gov, with any questions or concerns.

Sincerely,



Heidi Kennedy
Shoreland Policy Coordinator.



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of July 5, 2012

**Comprehensive Master Plan Amendment, Planned Development District
 No. 36, Planned Development District No. 31 Amendment, Certified
 Survey Map, Unified Development Ordinance Text Amendment, and
 Natural Resource Special Exception**

RECOMMENDATION: Planning Department staff does not recommend approval of Planned Development District No. 36, the Comprehensive Master Plan amendment, or of the Natural Resource Special Exception for the proposed Meijer grocery and department store development at the eastern corner of West Loomis Road and West St. Martins Road.

However, staff would recommend approval of the amendment of Planned Development District No. 31, of the Certified Survey Map, and of the Unified Development Ordinance Text Amendment, subject to the conditions set forth in the draft ordinances and resolutions, should the subject property owner wish to proceed with those changes.

Project Name:	Meijer grocery and department store development
Project Address:	Approximately the eastern corner of West Loomis Road and West St. Martins Road (STH 100)
Applicant:	David Behrens, GreenbergFarrow
Property Owner:	Paul Bouraxis, Legend Creek LLC
Current Zoning:	B-3 Community Business District, Planned Development District No. 31 and FW Floodway District
2025 Comprehensive Plan	Mixed Use
Use of Surrounding Properties:	Commercial to the north and west, residential to the south and east
Applicant Action Requested:	Recommendation of approval for the creation of PDD No. 36 and associated applications to support the proposed Meijer store development

Introduction

Please note:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.
- Staff suggestions are only underlined and are not included in the draft ordinance.

Should the Plan Commission recommend approval of the subject requests, staff would recommend including the conditions set forth in the attached draft ordinances and resolutions.

On May 25, 2012, the applicant submitted the following applications for the development of a Meijer grocery and department store at the eastern corner of West Loomis Road and West St. Martins Road:

- **Comprehensive Master Plan Amendment Application** to amend the 2025 Future Land Use Map from Mixed Use to Commercial and to allow deviations from the City of Franklin Crossroads Trade Area Regulating Plan
- **Planned Development District (PDD) Application** to create a new PDD for the Meijer store development
- **Major PDD Amendment Application** to modify the boundary of PDD No. 31
- **Unified Development Ordinance Text Amendment Application** to strike "PDD" from Section 15-3.0505A.2.
- **Certified Survey Map Application** to combine the eight parcels involved with this development
- **Natural Resource Special Exception Application** to allow encroachments into protected natural resource features

Meijer is a privately held company based in Grand Rapids, Michigan. Meijer currently operates approximately 200 supercenter stores throughout Michigan, Ohio, Indiana, Illinois and Kentucky, and is now entering the Wisconsin market. Additional company information can be found in the applicant's project narrative.

The applicant's project narrative states that the total project costs will be a minimum of \$15,000,000 and the store will be constructed consistent with Leadership in Energy and Environmental Design (LEED) standards. Meijer anticipates the store will create between 200 and 250 jobs. Meijer estimates approximately 25 percent of those jobs will be full-time positions and approximately 75 percent will be part-time employees.

Project Description/Analysis

The subject project area encompasses eight separate parcels, which are proposed to be combined via Certified Survey Map. The eight parcels are currently zoned B-3 Community Business District, Planned Development District No. 31 and FW Floodway District.

Please note that throughout this report staff will utilize the B-3 Community Business District standards as well as all applicable standards of the Unified Development Ordinance for comparisons to the standards proposed by the applicant for the Meijer store development. Unless otherwise stated, these B-3 standards are intended to form the basis of proposed PDD No. 36.

Creation of Planned Development District No. 36:

The proposed Meijer store development is generally in compliance with B-3 Community Business District standards and Part 5 Design Standards of the Unified Development Ordinance, unless otherwise set forth within the PDD No. 36 draft ordinance (attached).

However, due to its inconsistency with the Comprehensive Master Plan and Ordinance 2004-1803 (as discussed later in this staff report), staff does not recommend approval of this PDD.

The draft PDD No. 36 ordinance utilizes B-3 Community Business District setbacks and zoning requirements pursuant to Table 15-3.0303. However, PDD No. 36 contains a maximum building height of 3.0 stories/45 feet whereas the B-3 District limits retail buildings to 2.0 stories/35 feet and office buildings to 3.0 stories/45 feet. The multi-story entrance/exit features on the Meijer store would have a peak height of 42 feet. The draft PDD No. 36 ordinance also further restricts fencing, temporary structures and ancillary structures, which are prohibited without Plan Commission approval.

The Meijer store is planned to operate 24-hours per day, seven days a week; however, the applicant is proposing to limit the hours of operation for the garden center to 6:00 a.m. to 10:00 p.m. Should this project be approved, staff recommends that the hours of operations for the garden center and drive-thru pharmacy be limited to 7:00 a.m. to 10:00 p.m. to ensure adjacent residential properties are not adversely impacted by store operations.

The outdoor garden center has a communication system, which staff suggested be eliminated to reduce noise on the site. The applicant stated that the communication system would be turned off in the outdoor area between the hours of 6:00 p.m. and 7:00 a.m. The draft ordinance limits the hours of operation for the communication system as proposed by the applicant. The applicant has indicated they do not believe the loud speakers will be heard beyond the property, but will install a volume control in the event that the volume needs to be adjusted in the future to address relevant complaints.

Meijer will have approximately one to three semi-truck deliveries to the store daily. Deliveries will occur more frequently during holiday seasons, and additional daily deliveries will be made to the grocery store department of the Meijer store. The applicant has indicated that "No Trucks" signage will be posted at the drive behind the store and at the West Puetz Road ingress/egress. Should this project be approved, staff recommends prohibiting truck deliveries and refuse collection between the hours of 10:00 p.m. and 7:00 a.m. The applicant does not believe the noise from the delivery trucks will adversely affect the surrounding area. Staff also recommended, and the applicant agreed, to prohibit trucks from idling while unloading.

The applicant indicated to staff that other Meijer stores have included interior space for separate businesses. This remains under consideration for this location. The draft PDD ordinance allows B-3 Community Business District uses in addition to the Meijer store. These uses would be allowed within or outside the Meijer store in the future. Meijer also holds periodic sidewalk sales events. The draft PDD allows temporary uses and special events as permitted under the City of Franklin Unified Development Ordinance and Municipal Code; therefore, these types of uses may be subject to Temporary Use and/or Extraordinary and Special Event approvals. Staff suggests the applicant provide additional details regarding the anticipated sidewalk sales events and revise the draft PDD ordinance appropriately, doing so would eliminate separate review and approval each time a sidewalk sales event is held.

The draft PDD No. 36 does not include a provision for a Surety or Demolition Bond to cover the costs of razing and site maintenance if the store becomes vacant in the future. This is not an uncommon practice by municipalities for large retail buildings (often those buildings over 100,000 square feet in size). The bond is carried for the life of the building and is utilized if the building is vacant for more than a set amount of time (e.g. 12 months). A number of communities require Surety or Demolition Bonds to alleviate the risk of being left with a large vacant store that is difficult to reuse. Staff suggests the Plan Commission consider the necessity of a demolition bond or other type of surety.

Site plan and other project details relating to PDD No. 36 and the proposed Meijer store development plans are discussed later in this report.

Planned Development District No. 31 Major Amendment:

The 15.18 acre property located at 9530 West Puetz Road is currently zoned PDD No. 31. Section 15-3.0103A.3 of the UDO prohibits split zoning; therefore, the parcel must be rezoned to PDD No. 36 for the Meijer store development to proceed, prior to recording of the CSM, which is discussed below.

Staff would note that should creation of PDD No. 36 not be approved, amendment of PDD No. 31 would still be appropriate at this time as the subject 15 acre parcel is under ownership separate from the rest of PDD No. 31 and such amendment would help facilitate combination of the eight parcels into one larger more developable parcel.

Staff is recommending, with agreement from the applicant, that the Plan Commission and Common Council classify the proposed amendment to PDD No. 31 as a Major PDD Amendment. Section 15-9.0401A. Fee Schedule of the UDO lists "change in boundary" as an example of a Major Amendment. To expedite the process, the applicant has paid the Major PDD Amendment Application fee and a public hearing notice was published. Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to uses and changes to street layouts. The amendment will remove approximately 15.18 acres of land from PDD No. 31.

The property owner and developer of Foresthill Highlands, a multiple building senior apartment development to the east, sold the subject PDD No. 31 zoned property to Legend Creek LLC. PDD No. 31 included two alternative site plans. One site plan and related standards were based on the inclusion of the 15.18-acre parcel and another alternative plan was included for development without the inclusion of the subject parcel. Consequently, the removal of the property from PDD No. 31 will not adversely impact the future development of the senior apartments as planned.

Unified Development Ordinance Text Amendment:

Section 15-3.0505A.1. of the Unified Development Ordinance (UDO) limits the maximum permitted floor area for a retail building to 125,000 square feet in the B-1, B-2, B-3 and B-5 zoning districts. Furthermore, Section 15-3.0505A.2. states, "Notwithstanding, any other

provision of this Ordinance, no special use permit, PDD District, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (1).”

The applicant is proposing to strike “PDD District” from subparagraph 2. in order to construct the 191,352 square foot Meijer grocery and department store under Planned Development District zoning. Doing so would then allow the City to approve retail buildings larger than 125,000 square feet if it so desired during its review and consideration of a Planned Development District.

It is important to note that this building size limitation was adopted by the City of Franklin in Ordinance 2004-1803 during preparation of the *Crossroads Trade Area Regulating Plan* and is slightly larger than a similar building size limitation recommended within the Crossroads Plan.

Based upon the information provided by the applicant, and the information noted in this report, it is staff’s professional opinion that in general the proposed Text Amendment would be consistent with the City’s adopted plans, would facilitate sound planning, and would generally be in the public interest. In particular, staff would agree with the applicant that proper opportunity for review and consideration of such a change would be afforded by the PDD process.

However, staff would not recommend approval of such a PDD for the Crossroads area due to its inconsistency with a preponderance of the principles, goals, objectives, and policies set forth in the Comprehensive Master Plan as discussed later in this staff report.

Staff would suggest that should the proposed development be revised to come into greater compliance with the Comprehensive Master Plan’s principles, goals, objectives, and policies, and should the proposed development achieve a higher level of design and quality, that consideration of a building slightly larger than the 125,000 square foot limit may be appropriate.

Comprehensive Master Plan Consistency:

- *Consistent with, as defined by Wisconsin State Statute, means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”*

Comprehensive Master Plan. The City of Franklin 2025 Comprehensive Master Plan (CMP) identifies the majority of the subject property as Mixed Use, with Areas of Natural Resource Features within the eastern portion of the subject area. The surrounding future land uses are Mixed Use, Residential, and Areas of Natural Resource Features. The CMP anticipates that public sanitary sewer and water service will be provided to development within this area.

It can be noted that the Meijer proposal is not consistent with certain elements of the City’s Comprehensive Master Plan including but not limited to:

- The future land use map, which envisions that the subject area will be developed for mixed uses.
- The Development and Redevelopment Opportunities section found within the land use chapter, which states that for the subject area “Mixed use development is the main focus at the intersection of Loomis Road and STH 100. The Crossroads Plan should be followed for design development concepts for this area.”
- The Crossroads Trade Area Plan, which is incorporated into the CMP, and recommends:
 - “Maximum tenant space allowed is 100,000 square feet.”
 - “No 24-hour uses are permitted in the Crossroads Trade Area.”
 - “A mix of uses is recommended to create a ‘Village Center’ character.”
- The Franklin First Plan, which is incorporated into the CMP, and recommends for Area H (the Crossroads Area):
 - “The Crossroads area is expected to evolve into a convenience and neighborhood-oriented retail district serving the south central neighborhoods of the City.”
 - “The McComb Group’s Retail Development Potential report indicates that the Crossroads Center Area could support an additional 40,000 square feet (4 acres) of leasable retail space by year 2002 and an additional 100,000 square feet (10 acres) by year 2020.”
 - “The recommended use is Neighborhood Commercial.”

However, it can be noted that the Meijer proposal is consistent with certain elements of the City’s Comprehensive Master Plan primarily relating to the economic development chapter, including but not limited to:

- The following Economic Development Principles,
 - “Create jobs for a growing population.”
 - “Stabilize and expand a diverse tax base.”
- The 70/30 Goal, which states “that it remain the goal of the Common Council to obtain the 70/30 ratio of residential to commercial assessed valuation.”

Crossroads Plan. As previously noted, the Comprehensive Master Plan incorporated the *City of Franklin Crossroads Trade Area Regulating Plan* by reference, which encompasses the subject area. More specifically, the Crossroads Plan recommends that:

- the subject area be developed as part of a “Village Center that integrates high quality development with pedestrian amenities.”

[Staff would note that the Village Center character is to be founded upon a number of elements including: a mix of uses; limited building sizes and heights; four sided architecture; buildings located adjacent to the street with a majority of the parking in back; shared parking; a well developed road network including a well defined internal circulation system; streets with urban cross-sections and lined with landscaping and pedestrian amenities; and significant amounts of landscaping and public spaces integrated throughout the development, all to be located within each quadrant of the Crossroads area. However, while the Meijer project encompasses all of quadrant D, it proposes only one use comprised of one large building setback a significant distance from the street, with parking in front,

- with a poorly connected pedestrian and public space system, and with limited amounts of landscaping to screen and break-up the large parking area.]
- “The buildings should be implemented approximately per their location on the approved plan.”
[Staff would note that 14 separate buildings (one large retail building, four probable two-story mixed use buildings, and nine small office buildings) were envisioned by the Crossroads Plan within quadrant D, however, the Meijer project proposes only one use contained within one large building.]
 - “No 24-hour uses are permitted...”
[Staff would note that no other 24-hour uses exist within or adjacent to the Crossroads area. Staff would further note that other similar uses within or adjacent to the Crossroads area have hours of operation generally limited to 7:00 a.m. to 10:00 p.m. However, the applicant proposes a 24-hour principle use, with limited hours only for the garden center.]
 - “Maximum tenant space allowed is 100,000 square feet. Liner shops can be added to the perimeter of the primary building.”
[Staff would note that no other larger than 100,000 square foot retail/commercial building exists within the Crossroads area. Staff would further note that the nearest such building is the Target store located at Hwy 100 and Drexel Avenue at approximately 125,000 square feet, that there are only 7 such buildings within the City, that all but the Target store are located in areas planned for community or regional scale development, and that only 2 buildings (located on 27th Street) are larger than the proposed Meijer store. Whereas the applicant proposes an approximately 192,000 square foot building within an area planned for neighborhood scale development.]

However, it can also be noted that the Meijer project is consistent with a few elements of the Crossroads Plan including: parking ratios; screening of loading areas; drive-thru uses; four-sided architecture; and primary access points to the existing road network.

Franklin First/Tichnor Report. The Comprehensive Master Plan also incorporated the Franklin First plans (the Ticknor & Associates plan dated March 2000 and the R.A. Smith & Associates plan dated October 2001) by reference. The Ticknor report identified 12 areas which it believed must be reserved for their commercial, office, or industrial development potential in order to strive toward the City’s 70/30 goal, i.e. expanding the City’s nonresidential tax base to 30 percent in order to reduce the residential tax burden. The subject area is located within Area H which was recommended to “evolve into a convenience and neighborhood-oriented retail district serving the south central neighborhoods of the City.” The Tichnor report notes that the retail potential of this area is limited by low density housing to the south but that this area could evolve into a neighborhood shopping area if sewer service is extended southward from this area (which has recently occurred). It can be noted that this area was not selected in the follow-up R.A. Smith report as one of the five key development areas within the City.

Based upon the information provided by the applicant, and the information noted in this report, it is staff’s professional opinion that PDD No. 36 as currently

proposed would not be consistent with a preponderance of the principles, goals, objectives, and policies set forth in the Comprehensive Master Plan.

However, staff has provided the applicant with a number of suggestions over the course of its review which would increase the compatibility of this project with the CMP, and if such changes were made (a smaller building footprint and smaller parking lot which might in turn allow additional outlots and buildings, move the building closer to Hwy 36 and Hwy 100 and relocate some parking to the east side of the property, no 24-hour uses, and higher quality development including less natural resource impacts and/or better mitigation, and enhanced landscaping, pedestrian, and open space amenities), reconsideration of the proposed PDD would be warranted.

Staff would also note that the amendment of PDD No. 31, the UDO Text Amendment, and the CSM, are generally consistent with the Comprehensive Master Plan.

Certified Survey Map:

As previously stated, the project area consists of eight properties. To develop the Meijer store, the applicant is proposing to combine the eight properties into a single lot. The properties are listed below:

Tax Key No.	Address	Zoning	±Size
840 9969 000		B-3 Community Business District	0.14
840 999 7003	9661 W. Loomis Rd.	B-3 Community Business District	3.89
840 999 7002	9745 W. Loomis Rd.	B-3 Community Business District	3.92
840 9994 000	9821 W. Loomis Rd.	B-3 Community Business District	0.73
840 9998 000	9710 W. St. Martins Rd.	B-3 Community Business District	1.13
840 9997 001	9760 W. St. Martins Rd.	B-3 Community Business District	3.91
840 9993 000	9824 W. St. Martins Rd.	B-3 Community Business District	0.77
840 9999 001	9530 W. Puetz Rd.	PDD No. 31	15.17

The newly created lot, Lot 1, will have an area of 28.2609 acres or 1,231,043 square feet. As shown on the CSM, approximately 2.21 acres of the site will be dedicated to the Wisconsin Department of Transportation for right-of-way purposes. The CSM submitted for Plan Commission review contains a number of omissions and errors that will have to be corrected prior to recording. For example, the CSM shows only one storm water pond and storm water detention pond easement. The Conservation Easement is also not shown for the remaining protected natural resource features. These and any other technical omissions or errors must be corrected prior to recording with Milwaukee County per Condition No. 1 of the draft CSM resolution.

Staff would note that should creation of PDD No. 36 not be approved, approval of the subject CSM would still be appropriate at this time as combination of the eight parcels into one larger more developable parcel would likely help facilitate the eventual development of this property.

Site Plan:

Should PDD No. 36 be approved, staff would request that the following recommendations and suggestions be incorporated into the subject site plan. However, due to the number of unanswered questions, possible concerns, and ongoing review by other regulatory agencies, many of which will likely lead to further site plan changes, staff would suggest that approval of the site plan be tabled until more information related to the Traffic Impact Analysis (ongoing DOT review, etc.), Stormwater Management Plan (verification of the appropriate water quality standards to be met, etc.), Natural Resource Special Exception (lack of mitigation details, intrusion into a Secondary Environmental Corridor, etc.), and the Landscaping Plan (questions about existing vegetation credits, etc.), is obtained.

Currently, there are four existing one-story commercial buildings abutting West Loomis Road and two 2-story single-family homes, a detached garage and a barn structure north of West Puetz Road within the project area. The applicant is proposing to raze all existing structures and construct a 191,352 square foot Meijer grocery and department store. In addition to the Meijer store building, a garden center is attached to the south side of the building and enclosed with a black steel ornamental fence. The site contains approximately 594,199 square feet of impervious surface with approximately 636,844 square feet of greenspace, resulting in a Landscape Surface Ratio (LSR) of approximately 52 percent. As a comparison, the B-3 Community Business District requires a minimum LSR of 40 percent.

Ingress and Egress. The site plan includes ingress and egress from West Loomis Road (Highway 36), West St. Martins Road (Highway 100) and West Puetz Road. A traffic signal is envisioned at the access to Hwy 36. Staff has encouraged the applicant to place a traffic signal at the intersection of West Puetz Road and Hwy 100. Additionally, citizen and Alderman comments requested a traffic signal at the intersection of Hwy 100 and West Puetz Road. The applicant has indicated that ultimately the Wisconsin Department of Transportation (WisDOT) will determine the need for a traffic signal at this intersection. The Traffic Impact Analysis submitted by the applicant determined that a traffic signal was not warranted. It is staff's understanding that the WisDOT has not yet made a final determination in regard to these access connection and signalized intersection proposals, and that their approval is required.

Engineering Department staff recommend that a deceleration lane be constructed on Puetz Road for entrance into the site from the east, and that the radii at all proposed drives be increased to 20 feet.

Pedestrian Amenities. The site plan includes two pedestrian seating areas. Four benches are provided within an area adjacent to the Hwy 36 and Hwy 100 intersection. Three benches are also located on the north side of the parking lot adjacent to the Hwy 36 access drive, storm water detention basin and an approximately 17-foot high retaining wall. The applicant is also providing two benches, three trash receptacles and a bike rack along the front of the store. Specification sheets for all pedestrian amenities are attached.

The applicant indicates that sidewalks will be eventually be developed along Hwy 36, Hwy 100, and along the south side of West Puetz Road, by the DOT. Walkways are also proposed

internally by the applicant. Staff recommends the applicant construct a sidewalk along the north side of West Puetz Road along the entire length of their property. In the future, this sidewalk will provide pedestrian access to the Foresthill Highlands multi-family residential development to the east.

Citizen and Alderman comment also requested a trail through the natural resource features on the site to connect to the Foresthill Highlands development to the east. Staff also suggested that the applicant consider a paved multi-purpose trail directly connecting the future Foresthill Highlands apartment development to the Meijer store. Staff suggested the trail extend approximately at the intersection of West Highland Park Avenue and Brenwood Park Drive to the northwest corner of the building. There is an existing culvert crossing, which should be utilized if the location is appropriate. The applicant has indicated they believe the best connection with the least amount of environmental impacts is construction of a sidewalk along West Puetz Road. It should be noted that a trail would increase encroachments into natural resource features and require changes to the Natural Resource Special Exception request.

Staff suggests that further changes or additions to the sidewalk system be made, such as extension of the internal sidewalk along the entire northern bio-swale, alignment of the internal sidewalks with the store entrances and/or additional pavement markings for the pedestrian crossings of the drive lanes, a sidewalk connection directly to Puetz Road, sidewalks along Hwy 36 and Hwy 100, etc. Any such sidewalks must be constructed to City or State standards as appropriate.

Parking Lot. The applicant has illustrated thirty-two, approximately 19-foot long cart corrals within the parking lot. Staff suggests that at least two cart corrals be relocated or added to the rear of the parking lot, closer to Hwy 36. If shoppers utilize these spaces and cart corrals are not located nearby, it may result in carts frequently being scattered throughout the rear of the parking lot. Staff also suggested decorative, covered style cart corrals be utilized for the site. The applicant has stated, "Given the quantity of cart corrals required to support a grocery store, we believe decorative structure styled corals will be distractive and a long term maintenance issue. Meijer's experience is that it is more appropriate to use standard corrals that recess into the area around them." Staff continues to suggest that more decorative cart corrals be utilized. These would not necessarily have to be covered.

Miscellaneous. The applicant has located the transformer and generator on the north side of the building near the truck docks. A chain-link fence is proposed to enclose the transformer, generator and the wheeled milk container racks that are stored until they are picked up by the vendor. As requested per citizen and staff comments, the applicant has added a 12-foot high wall for the length of the truck docks. A tiered retaining wall is also located on the opposite side of the rear drive from the loading docks. A dumpster enclosure is not proposed as the trash and cardboard compactors will be kept within the interior of the loading dock area. Engineering Department staff recommend that a fence be installed at all locations where retaining walls are greater than three feet in height, and suggest such fences for all retaining walls.

Staff would suggest that the garden center be removed. This would allow more room for: the pharmacy drive-thru, ingress and egress to Puetz Road, buffering along Puetz Road, relocation of

one of the site amenities, and/or possibly more parking. Staff would suggest that the building be moved further to the west. Depending upon the amount of change, fewer natural resources might be impacted and/or additional room may be created for parking or other uses on that side of the building.

Staff recommends that a Market Analysis, as required by the Unified Development Ordinance, be prepared prior to consideration of this matter by the Common Council. The applicant has indicated that they will not provide such an analysis as they consider such information proprietary and confidential.

Engineering Department staff suggest that the easternmost berm located along Puetz Road be further extended to the east to provide further screening of this area.

Mechanical Plan:

The majority of mechanical equipment will be located on the roof of the building. The applicant has submitted a rooftop mechanical plan as well as a site-line drawing. Staff believes the rooftop mechanicals are adequately screened by the parapet walls.

Cross-access:

Currently cross-access is not provided to the property to the north, 9609 West Loomis Road. The applicant has indicated that they do not wish to provide cross-access at this time as it would require additional environmental impacts; however, Meijer would consider cross-access in the future upon WisDOT, Army Corps of Engineers and Wisconsin DNR review. Staff included language within the draft PDD No. 36 ordinance requiring a cross-access easement be provided at the time the property to the north is redeveloped, subject to approval of a Natural Resource Special Exception (NRSE) and submittal of a recorded cross-access agreement providing for cross-access with the adjoining property to the north, 9609 West Loomis Road. If the City of Franklin determines at that time the cross-access is not appropriate or denies the NRSE, the applicant will not have to provide the cross-access.

Parking:

The applicant is proposing to provide 684 parking spaces, including 28 ADA accessible spaces. Table 15-2.0203 of the UDO requires a parking ratio of six parking spaces per 1,000 square feet of gross floor area for grocery or foodstores and four parking spaces per 1,000 square feet of floor area for department stores. The applicant has indicated approximately 65 percent of the store is grocery and 35 percent general retail sales. Therefore, 747 parking spaces are required for the grocery portion of the store and 268 parking spaces required for the department store, which is a total of 1,015 parking spaces. Please note, the applicant has provided parking calculations on the Site Plan utilizing just the 6/1,000 parking ratio.

With 684 provided parking spaces, the applicant is proposing 331 less parking spaces than required by the UDO standard parking ratio, which is a reduction of approximately 33 percent. Please note the UDO does allow for parking reductions as approved by the Plan Commission.

In comparison, the Crossroads Trade Area Plan recommends parking at a ratio of four parking spaces per 1,000 square feet of floor area, which would require 765 parking spaces. Staff is in favor of the reduction in parking from UDO and Crossroad Trade Area Plan standards.

The 28 ADA accessible parking spaces provided complies with ADA standards and Table 15-5.0202(I)(1) of the UDO, which requires at least 2 percent of the total parking spaces provided install be ADA accessible spaces. In this case, 14 ADA spaces are required.

Landscaping:

The Landscape Plan includes 100 canopy/shade trees, 157 evergreen trees, 82 decorative trees and 287 shrubs. As a comparison, Table 15-5.0302 of the Unified Development Ordinance (UDO) requires one canopy/shade tree, one evergreen tree, one decorative tree and one shrub for every five provided parking spaces. A 20% increase is also required as the property abuts less intense residential uses. Since the applicant is providing 684 parking spaces on the property, 164 plantings of each type are required, which includes the 20% increase.

The Landscape Plan contains a note stating, "322 existing trees within natural area, to remain, to count toward over all tree totals on the site." Including the 322 existing trees and the proposed plantings, the site contains a total of 661 trees and 287 shrubs for a total of 948 plantings, opposed to 656 as required pursuant to UDO standards. Per Section 15-5.0302D. of the UDO, developments may get credit for preserving existing plant materials, depending on the size and type of the tree and whether it is located within a non-bufferyard or bufferyard. It also requires that plantings to be preserved shall be shown on the submitted landscape plan, including exact location, size and type. Due to the number of existing trees for which the applicant is requesting credit for, staff suggested the applicant provide quantities, types and general sizes of plant materials within the natural resource areas. The submitted Landscape Plan includes approximate location of existing trees and types of trees within the designated area, although size and location of individual trees is not included. Staff is not able to identify the size of every existing tree nor if it is located within a bufferyard or not, nor if noxious or subnoxious species are being counted; therefore, there is insufficient information to determine if an adequate number of trees are being preserved to comply with UDO landscape standards; however, staff believes a significant number of trees are being preserved and should be considered in review of the Landscape Plan. Staff recommends that the Landscape Plan be revised to provide additional information necessary to confirm the amount of existing vegetation eligible for credit, to meet the current UDO quantity standards, and to ensure that the additional plantings are focused within the required bufferyards.

The applicant has illustrated landscape plantings within the 60' x 60' vision triangle. Staff recommends that these plantings comply with Section 15-5.0201 of the UDO.

An underground irrigation system will be utilized for all landscape and grass areas. A detailed irrigation plan will be submitted once a landscape contractor is hired.

The applicant is proposing snow storage within the rear of the parking lot, which will not interfere with landscaping; however, will occupy parking spaces. It will be up to the applicant in the future to haul snow off-site if the parking spaces used for snow storage are needed.

Lighting:

The Lighting Plan provides 29 single fixture lights and 3 double-headed fixtures. The parking lot will consist of 20 MSV style fixtures (see cut sheet attached). MSV fixtures will be attached to a 30-foot light pole. 12 Sternberg 1750 Chateau Series decorative lights are located along the front of the store. These fixtures will be attached to 12-foot poles, for a total height of 14'-2 1/2". There are also a total of 31 surface mounted canopy lights and wall mounted lights above the exit doors and within the garden center.

As shown on the Photometric Plan, light levels do not exceed zero footcandles at the property lines. The applicant indicated that lighting would be significantly reduced during off hours in the garden center area. Furthermore, the parking lot lighting will be designed to allow lighting to be reduced during a 24-hour period. The applicant has requested to continue to work with staff to address lighting concerns, while properly providing for the safety of those using the facility. Staff recommends the applicant submit, to the Planning Department for review and approval, a 24-hour lighting management plan to set guidelines for lighting levels on the site throughout a 24-hour period.

Natural Resource Protection Plan and Conservation Easement:

RA Smith National (RASN), Inc. has provided a natural resource protection plan, a wetland delineation report and a floodplain compensatory storage report for the subject 29.48-acre property. RASN conducted field assessments in March, April and May 2012 in order to identify and delineate natural resource features on the property (see the table on NRPP Figure 2A). All of these natural resources contain a 100% protection standard. According to the field assessments, the subject property contains:

- 7.10 acres of wetlands;
- 4.417 acres of wetland buffers;
- 2.87 acres of wetland setbacks;
- 0.17 acres of floodplain;¹
- 0.36 acres of a navigable stream (Legend Creek); and
- 0.256 acres of shore buffer.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) visited the property on June 14, 2012 and has confirmed the wetland delineations recorded by RASN. SEWRPC has also field delineated the Secondary Environmental Corridor (SEC), which the applicant has identified

¹ It is important to note that the floodway/floodplain delineation shown in the attached materials is incorrect. Additional Zone A floodplain (pursuant to adopted FEMA mapping) is located along the creek immediately east of Loomis Road. As such, staff recommends that the applicant identify the correct floodway/floodplain boundaries on the Natural Resource Protection Plan, prior to Common Council review of the Natural Resource Special Exception request.

on the Natural Resource Protection Plan (NRPP). It should be noted that the proposed development does encroach into the SEC, and that such encroachment includes some wetland and floodland resources. Pursuant to Wisconsin Administrative Code, SEWRPC policy, and the recommendations contained within SEWRPC Community Assistance Planning Report No. 176 (2nd Edition), such encroachments are discouraged and often prohibited. Any such encroachments will likely need approval from the City, SEWRPC, and the Wisconsin Department of Natural Resources.

Natural Resource Special Exception:

The applicant is requesting approval of a Natural Resource Special Exception (NRSE) in order to develop a 191,352 square foot Meijer Store on the subject 29.48-acre property pursuant to the attached plans. Specifically, the applicant is requesting approval to:

- Completely fill and develop four small isolated wetlands and their respective 30-foot wide wetland buffers and 50-foot wide wetland setbacks;
- Partially fill and develop one large wetland complex and portions of its respective 30-foot wide wetland buffer and 50-foot wide wetland setback;
- Partially fill and develop a 100-year floodplain; and
- Partially fill a 75-foot wide shore buffer;

In total, about 0.940 acres of wetland, 2.546 acres of wetland buffer, 2.222 acres of wetland setback, 0.100 acres of floodplain and 0.139 acres of shore buffer would be filled/developed with the subject request. Each specific natural resource disturbance is described in detail in the attached Environmental Commission report. The UDO's mitigation standards and the applicant's mitigation proposals are detailed in the following sections. If the subject project should be approved, Staff recommends that the applicant obtain all required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA) prior to issuance of a building permit.

The applicant is proposing the following mitigation measures to offset disturbances to the protected natural resource standards:

Wetlands: The applicant is proposing to fill 0.940 acres of wetlands. Using the required 1.5:1 mitigation ratio prescribed in the UDO, a total of 1.410 acres of wetland would typically be mitigated. According to the applicant's response letter dated June 25, 2012, the applicant intends to purchase mitigation credits from the Wisconsin Department of Natural Resources so that all impacts to wetlands are mitigated at a ratio of 1.5:1. The mitigation would occur offsite, on a U.S. Army Corp of Engineers/Wisconsin Department of Natural Resources approved mitigation bank. For this project, the applicant is also proposing to provide rain gardens within two parking lot planter islands and two 20-foot wide bio swales with natural plantings within the parking lot area. (The square footage of these areas was not provided). In addition, the applicant is (1) specifying a storm sewer system that combines catch basins and oil-water debris separators and (2) specifying a wet bottom detention pond to filter the stormwater runoff, reduce soil erosion and provide total suspended solids (TSS) removal.

Wetland Buffers/Wetland Setbacks: The applicant is proposing to develop 2.546 acres of wetland buffer and 2.222 acres of wetland setback. Using the required 1.5:1 mitigation ratio prescribed in the UDO for wetland buffer, a total of 3.819 acres would typically be mitigated. The UDO does not discuss specific mitigation requirements for wetland setbacks that are disturbed and not restored to their current, natural state.

According to a letter from the applicant dated June 25, 2012, mitigation for the wetland buffers and setbacks is proposed through the removal of buckthorn in an approximately 0.45-acre swath of land along the east and west sides of Legend Creek. Removal would occur during the winter months when the buckthorn is dormant and the ground is frozen. Each stump would be cut at the base and treated with Glyphosate herbicide approved for woody shrubs. The cut shrubs would be burned or removed off-site to a landfill. A follow-up visit would occur the following spring/early summer to check for re-sprouts and treated as needed.

According to the applicant's response to staff's first review comment letter, mitigation for the buffers and setbacks is also proposed through floodplain compensatory storage. The applicant has indicated that a total of about 379 cubic feet of floodplain compensatory storage area will be provided (a ratio of about 1.8:1 to the amount of floodplain to be filled). The applicant has not indicated how much of the compensatory storage is for wetland buffer/setback impacts and how much is for floodplain impacts. The applicant will provide native seeding within the 0.44-acre floodplain compensatory storage area east of the building with a native seed mix designed to not interfere with floodplain storage function.

The applicant is also proposing to provide native seeding within the 0.02-acre back slope area of the wet detention pond using a native seed mix. Finally, the applicant wishes to obtain credit for preserving approximately 320 trees including a dozen specimen trees. If the project should be approved, Staff recommends that the applicant provide mitigation at a minimum ratio of 1.5:1 for the wetland buffers and wetland setbacks prior to issuance of a building permit. In addition, Staff recommends that the applicant submit a tree preservation plan, in accordance with Section 15-8.0204 of the UDO, prior to issuance of a building permit.

Floodplain: The UDO requires mitigation for all floodplain disturbances; however, the UDO does not require a specific floodplain mitigation ratio. According to the submitted NRPP, a total of 0.100 acres of floodplain will be impacted. According to the applicant's response to staff's first review comment letter, mitigation for the floodplain is proposed through floodplain compensatory storage. The applicant has indicated that a total of about 379 cubic feet of floodplain compensatory storage area will be provided (a ratio of about 1.8:1 to the amount of floodplain to be filled). However, the applicant has not indicated how much of this compensatory storage is for wetland buffer/setback impacts and how much is for floodplain impacts.

According to a letter from the applicant dated June 25, 2012, the applicant will provide native seeding within the 0.44-acre floodplain compensatory storage area east of the building with a native seed mix designed to not interfere with floodplain storage function. The applicant is requesting that the native seeding be applied as a credit towards the wetland buffer/setback

encroachments. If the project should be approved, staff recommends that the floodplain delineation be corrected, the floodplain changes reviewed and approved by SEWRPC, and the NRSE and mitigation plan revised accordingly, prior to issuance of a building permit.

Shore Buffer: The applicant is proposing to develop a total of 0.139 acres of shore buffer. According to Table 15-4.0100 of the UDO, mitigation is only allowed for shore buffers in cases of crossings (street, bicycle or pedestrian) which are determined to be in the best interest of the City and which crossings are at or near a 90-degree angle. Using the typical 1.5:1 mitigation ratio prescribed in the UDO, a total of 0.209 acres of shore buffer would be mitigated. However, the NRSE Application submittal does not provide any details about proposed mitigation measures for shore buffer disturbances. Staff recommends that the applicant provide shore buffer mitigation at a ratio of 1.5:1, prior to issuance of a building permit.

Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. Also attached is a document titled "City of Franklin Environmental Commission" that the Environmental Commission has completed for Common Council review. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

If the project should be approved, Staff recommends that the applicant clearly describe each mitigation method and demonstrate how each mitigation method meets the requirements set forth in the UDO. In addition, staff recommends that the applicant hire a consultant to provide an annual monitoring report that addresses all mitigation activities, per the approved Natural Resource Protection Plan, for a period of three years. Staff suggests that the warranty on all mitigation plantings be no less than 3 to 5 years.

The Environmental Commission reviewed the applicant's Natural Resource Special Exception (NRSE) request at their regular meeting on June 20, 2012, pursuant to Section 15-10.0208 of the UDO. Approximately 12 residents attended the meeting, all of whom were likely there for the Meijer NRSE item. At the meeting, the Environmental Commission recommended approval of the applicant's request, contingent on the applicant obtaining the proper permits from the State of Wisconsin Department of Natural Resources and the Army Corp of Engineers, approval of a Conservation Easement Agreement with the City of Franklin, and referred the evaluation for mitigation to the Plan Commission for their review and approval.

Based upon the information provided by the applicant, and the information noted in this report, it is staff's professional opinion that the Natural Resource Special Exception as currently proposed is not consistent with a preponderance of the standards set forth in Section 15-10.0208 of the Unified Development Ordinance.

In particular, while staff believes sufficient information and appropriate mitigation has been proposed for the filling of the four small isolated wetlands and associated natural resource features, sufficient information, justification, and mitigation has not been proposed for the impacts upon the larger wetland/floodland/shoreland complex. In addition, appropriate information about the extent of temporary disturbances, the relationship of the proposed mitigation measures to the specific resources impacted and to other required standards such as stormwater management and landscaping, and a long-term management plan, do not enable a full and complete analysis of the proposed impacts and mitigation measures.

Architecture:

The primary building materials and features specified for the proposed building include brick and stone. The building includes two entrance/exit features, which consist of a multi-story glass element, multiple brick and stone parapets at different heights and blue metal awnings. The building contains additional parapets and corner features, stone pilasters and metal almond colored awnings. The applicant has noted that additional windows beyond the entrance features are "not possible due to the merchandise fixturing that occurs on the perimeter walls."

Signage:

The applicant has shown signage on the building elevations and two monument signs on the Site Plan. These signs are shown for reference only. Staff is recommending in the draft PDD ordinance that all signs must be in accordance with the Municipal Code, as amended, approved by the Architectural Review Board and subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area needed to control traffic or parking provided such signage has received approval from the Architectural Review Board.

Stormwater Management:

The applicant has provided preliminary storm water management plans, which includes underground storage and two detention ponds to the east and west of the access drive extending from West Loomis Road. The applicant is proposing a fountain within the pond east of the entrance drive. The applicant has indicated they are evaluating the size, depth and water volume of the pond west of the drive to determine if a fountain is feasible in this pond as well.

Bio-swales and three rain gardens are also proposed within the main parking area. The applicant has indicated that best management practices will be utilized for the operation of the storm water management system and a management plan will be included within the Stormwater Report provided by GreenbergFarrow.

The Engineering Department has reviewed the site drainage and preliminary storm water management pond and is working with the applicant to provide a final plan for review and approval. Staff recommends the applicant submit, to the Engineering Department for review and approval, a final storm water management plan, prior to Building Permit. Preliminary

comments from the Engineering Department include: provide connections and spillways for both stormwater ponds, provide larger storm sewer inlets at select locations, detailed calculations are required for the underground storage, the water main should be 12" rather than 10" and must be located within 20' easements, the water main will need to be relocated due to its proximity to the stormwater management pond and retaining wall.

Staff Recommendation

Planning Department staff does not recommend approval of the Comprehensive Master Plan Amendment, the Planned Development District No. 36, or the Natural Resource Special Exception.

Staff does recommend approval of the Planned Development District Amendment to PDD No. 31, the Certified Survey Map, and the Unified Development Ordinance Text Amendment, subject to the conditions set forth in the draft ordinances and resolutions.

To summarize, staff recommendations and suggestions are listed below.

Recommendations:

1. Staff recommends that the hours of operations for the garden center and drive-thru pharmacy be limited to 7:00 a.m. to 10:00 p.m.
2. Staff recommends prohibiting truck deliveries and refuse collection between the hours of 10:00 p.m. and 7:00 a.m. and to prohibit trucks from idling while unloading.
3. Engineering Department staff recommend that a deceleration lane be constructed on Puetz Road for entrance into the site from the east, and that the radii at all proposed drives be increased to 20 feet, prior to a certificate of occupancy for the Meijer grocery and department store.
4. Staff recommends the applicant construct a sidewalk along the north side of West Puetz Road along the entire length of their property, prior to a certificate of occupancy for the Meijer grocery and department store.
5. Engineering Department staff recommends that a fence be installed at all locations where retaining walls are greater than three feet in height, prior to a certificate of occupancy for the Meijer grocery and department store.
6. Staff recommends that a Market Analysis, as required by the Unified Development Ordinance, be prepared and submitted to planning staff prior to consideration of this matter by the Common Council.

7. Staff included language within the draft PDD No. 36 ordinance requiring a cross-access easement be provided at the time the property to the north is redeveloped, subject to approval of a Natural Resource Special Exception (NRSE) and submittal of a recorded cross-access agreement providing for cross-access with the adjoining property to the north, 9609 West Loomis Road.
8. Staff recommends that the Landscape Plan be revised to provide additional information necessary to confirm the amount of existing vegetation eligible for credit, to meet the current UDO quantity standards, and to ensure that the additional plantings are focused within the required bufferyards, prior to issuance of a building permit.
9. Staff recommends that the plantings within the vision triangles comply with Section 15-5.0201 of the UDO.
10. Staff recommends the applicant submit, to the Planning Department for review and approval, a 24-hour lighting management plan that sets guidelines for lighting levels on the site throughout a 24-hour period.
11. Staff recommends that the applicant obtain all required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA) prior to issuance of a building permit.
12. Staff recommends that the applicant provide mitigation at a minimum ratio of 1.5:1 for the wetland buffers and wetland setbacks prior to issuance of a building permit. In addition, staff recommends that the applicant submit a tree preservation plan, in accordance with Section 15-8.0204 of the UDO, prior to issuance of a building permit.
13. Staff recommends that the floodplain delineation be corrected, the floodplain changes reviewed and approved by SEWRPC, and the NRSE and mitigation plan revised accordingly, prior to issuance of a building permit.
14. Staff recommends that the applicant provide shore buffer mitigation at a ratio of 1.5:1, prior to issuance of a building permit.
15. Staff recommends that the applicant clearly describe each mitigation method and demonstrate how each mitigation method meets the requirements set forth in the UDO, prior to consideration of this matter by the Common Council.
16. Staff recommends that the applicant hire a consultant to provide an annual monitoring report that addresses all mitigation activities, per the approved Natural Resource Protection Plan, for a period of three years.

17. Staff is recommending in the draft PDD ordinance that all signs must be in accordance with the Municipal Code, as amended, approved by the Architectural Review Board and subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area needed to control traffic or parking provided such signage has received approval from the Architectural Review Board.
18. Staff recommends that the applicant submit a final storm water management plan to the Engineering Department, for their review and approval, prior to issuance of a building permit.

Suggestions:

1. Staff suggested that the garden center's outdoor sound system be eliminated to reduce noise on the site.
2. Staff suggests the applicant provide additional details regarding the anticipated sidewalk sales events and revise the draft PDD ordinance appropriately,
3. Staff suggests the Plan Commission consider the necessity of a demolition bond or other type of surety.
4. Due to the number of unanswered questions, possible concerns, and ongoing review by other regulatory agencies, many of which will likely lead to further site plan changes, staff would suggest that approval of the site plan be tabled until more information related to the Traffic Impact Analysis (ongoing DOT review, etc.), Stormwater Management Plan (verification of the appropriate water quality standards to be met, etc.), Natural Resource Special Exception (lack of mitigation details, intrusion into a Secondary Environmental Corridor, etc.), and the Landscaping Plan (questions about existing vegetation credits, etc.), is obtained.
5. Staff also suggested that the applicant consider a paved multi-purpose trail directly connecting the future Foresthill Highlands apartment development to the Meijer store.
6. Staff suggests that further changes or additions to the sidewalk system be made, such as extension of the internal sidewalk along the entire northern bio-swale, alignment of the internal sidewalks with the store entrances and/or additional pavement markings for the pedestrian crossings of the drive lanes, a sidewalk connection directly to Puetz Road, sidewalks along Hwy 36 and Hwy 100, etc.
7. Staff suggests that at least two cart corrals be relocated or added to the rear of the parking lot, closer to Hwy 36.
8. Staff also suggested decorative, covered style cart corrals be utilized for the site.

9. Staff continues to suggest that more decorative cart corrals be utilized.
10. Staff would suggest that the building be moved further to the west.
11. Engineering Department staff suggest that the easternmost berm located along Puetz Road be further extended to the east to provide further screening of this area.
12. Staff also suggests that the warranty on all mitigation plantings be no less than 3 to 5 years.
13. Staff would suggest that the garden center be removed.
14. Engineering staff suggests fences for all retaining walls.

 **CITY OF FRANKLIN** 
REPORT TO THE ENVIRONMENTAL COMMISSION

Meeting of June 20, 2012

Natural Resource Special Exception

Project Name:	Natural Resource Special Exception (NRSE) Request for the proposed Meijer Planned Development District (PDD)
General Project Location:	South of Loomis Road, East of STH 100 and North of Puetz Road.
Applicant:	Greenberg Farrow
Existing Zoning:	B-3 Community Business District, PDD No. 31 and FW Floodway District
Proposed Zoning:	PDD
Use of Surrounding Properties:	Foresthill Highlands PDD to the east; single-family residences to the south; Walgreens and professional office uses to the west; and a Citgo fueling station, single-family residence and office complex to the north
2025 Comprehensive Plan:	Mixed Use
Applicant Action Requested:	Recommendation to the Common Council for approval of the requested Natural Resource Special Exception (NRSE)

INTRODUCTION:

The applicant is requesting approval of a Natural Resource Special Exception (NRSE) in order to develop a 191,352 square foot Meijer Store on an approximately 30 acre property pursuant to the attached plans. Specifically, the applicant is requesting approval to:

- Completely fill four small isolated wetlands and their respective 30-foot wide wetland buffers and 50-foot wide wetland setbacks;
- Partially fill one large wetland complex and portions of its respective 30-foot wide wetland buffer and 50-foot wide wetland setback;
- Partially fill a 100-year floodplain; and
- Partially fill a 75-foot wide shore buffer;

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception must be provided to the Environmental Commission for its review and recommendation.

HISTORY:

On April 24, 2012 the applicant filed a Concept Review Application with the Department of City Development, requesting input from the Common Council on a proposal to develop a 191,352 square foot Meijer Store on the east side of State Highway 100, south of Loomis road and north

of Puetz Road. The Common Council reviewed the Concept Review Application at their Committee of the Whole meeting on April 30, 2012. On May 25, 2012, the applicant filed a PDD Application to create the Meijer PDD, a PDD Amendment Application to amend PDD No. 31 (Foresthill Highlands), a Unified Development Ordinance (UDO) Text Amendment Application, a Certified Survey Map (CSM) Application, a Comprehensive Master Plan Amendment, and a Natural Resource Special Exception (NRSE) Application with the Department of City Development for development of the Meijer Store. The applicant has requested a July 5th, 2012 meeting date for these requests.

PROJECT DESCRIPTION:

RA Smith National (RASN), Inc. has provided a natural resource protection plan, a wetland delineation report and a floodplain compensatory report for the subject 29.48-acre property. RASN conducted field assessments in March, April and May 2012 in order to identify and delineate natural resource features on the property (see the table on Figure 2A). All of these natural resources contain a 100% protection standard. According to the field assessments, the subject property contains:

- 7.10 acres of wetlands;
- 4.417 acres of wetland buffers;
- 2.87 acres of wetland setbacks;
- 0.17-acre floodplain;¹
- 0.36 acres of a navigable stream (Legend Creek); and
- 0.256-acre shore buffer.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) visited the property on June 14, 2012 and has confirmed the wetland delineations recorded by RASN. SEWRPC has also field delineated the Secondary Environmental Corridor, which the applicant intends to identify on the Natural Resource Protection Plan (NRPP) shortly.

The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for the filling/development of:

- about 0.940 acre of wetland;
- about 2.546 acres of wetland buffer;
- about 2.222 acres of wetland setback;
- about 0.100 acre of floodplain; and
- about 0.139 acre of shore buffer.

Information about each specific natural resource impact, the UDO's mitigation standards, and the applicant's mitigation proposals are detailed in the following sections. *Please note that the actual amount of natural resource loss is subject to change as further revisions are made to the Meijer project.*

¹ It is important to note that the floodplain delineation shown in the attached materials is incorrect. Additional Zone A floodplain (pursuant to adopted FEMA mapping) is located along the creek immediately east of Loomis Road.

For this Natural Resource Special Exception request, the applicant is requesting approval to:

1. Completely fill Wetland 1, which has an area of 0.03 acres. In addition, the applicant is requesting approval to completely fill Wetland 1's respective wetland buffer and wetland setback. According to the wetland delineation report, Wetland 1 is man-made and located in a slight depression that was likely created during the historical grading activities. Dominant vegetation consists of sand-bar willow, Kentucky bluegrass and redbud. The applicant must obtain approval from the Wisconsin Department of Natural Resources and Army Corps of Engineers for the proposed wetland fill. According to Table 15-4.0100 of the UDO, mitigation is permitted at a minimum ratio of 1.5 acres for every acre of wetland and wetland buffer disturbance for nonresidential projects. The UDO does not discuss specific mitigation requirements for wetland setbacks that are disturbed and not restored to their current, natural state.
2. Completely fill Wetland 2, which has an area of 0.03 acres. In addition, the applicant is proposing to completely fill Wetland 2's respective wetland buffer and wetland setback. According to the wetland delineation report, Wetland 2 is man-made and located in a slight depression that was likely created during the historical grading activities. The wetland is dominated by giant reed grass, and hydrology is sustained by surface water runoff from the surrounding landscape. The applicant must obtain approval from the Wisconsin Department of Natural Resources and Army Corps of Engineers for the proposed wetland fill. According to Table 15-4.0100 of the UDO, mitigation is permitted at a minimum ratio of 1.5 acres for every acre of wetland and wetland buffer disturbance for nonresidential projects. The UDO does not discuss specific mitigation requirements for wetland setbacks that are disturbed and not restored to their current, natural state.
3. Completely fill Wetland 3, which has an area of 0.35 acres. In addition, the applicant is requesting approval to completely fill Wetland 3's respective wetland buffer and wetland setback. According to the wetland delineation report, Wetland 3 is a fresh (wet) meadow and shallow marsh. Hydrology is seasonal, and is sustained by surface water from the surrounding landscape. Dominant vegetation consists of cattails, reed canary grass and cottonwood. The applicant must obtain approval from the Wisconsin Department of Natural Resources and Army Corps of Engineers for the proposed wetland fill. According to Table 15-4.0100 of the UDO, mitigation is permitted at a minimum ratio of 1.5 acres for every acre of wetland and wetland buffer disturbance for nonresidential projects. The UDO does not discuss specific mitigation requirements for wetland setbacks that are disturbed and not restored to their current, natural state.
4. Completely fill Wetland 4, which has an area of 0.04 acres. In addition, the applicant is requesting approval to completely fill Wetland 4's respective wetland buffer and wetland setback. According to the wetland delineation report, Wetland 4 is a shallow marsh drainage ditch. Hydrology is sustained by a small culvert outlet at the southern edge of the wetland near West Puetz Road. Dominant vegetation consists of cattails, reed canary grass and green ash. The applicant must obtain approval from the Wisconsin Department of Natural Resources and Army Corps of Engineers for the proposed wetland fill. According to Table 15-4.0100 of the UDO, mitigation is permitted at a minimum ratio of 1.5 acres for every acre of wetland and wetland buffer disturbance for nonresidential projects. The UDO does not discuss specific mitigation requirements for wetland setbacks that are disturbed and not restored to their current, natural state.
5. Fill a portion of Wetland 5, a portion of Wetland 5's wetland buffer and a portion of Wetland 5's wetland setback. Wetland 5 consists of an approximately 6.81-acre shallow

marsh, fresh (wet) meadow, shrub-carr and sedge meadow complex. Hydrology is sustained by base flow of Legend Creek which runs along the eastern portion of the wetland as well as surface water from the surrounding landscape. Dominant vegetation consists of Phalaris arundinacea, narrow-leaved cattail, broad-leaved woolly sedge and gray dogwood. The applicant must obtain approval from the Wisconsin Department of Natural Resources and Army Corps of Engineers for the proposed wetland fill. According to Table 15-4.0100 of the UDO, mitigation is permitted at a minimum ratio of 1.5 acres for every acre of wetland and wetland buffer disturbance for nonresidential projects. The UDO does not discuss specific mitigation requirements for wetland setbacks that are disturbed and not restored to their current, natural state.

6. Fill 0.35 acres of the 100-year floodplain located on the east side of the property. The applicant must obtain approval from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency for the proposed 100-year floodplain fill. According to Table 15-4.0100 of the UDO, mitigation is permitted to help offset the disturbance of floodplains for nonresidential projects. As such, the applicant is attempting to achieve mitigation at a ratio of approximately 1.5 acres for every acre of disturbance. The UDO does not specify a minimum floodplain mitigation ratio.
7. Fill 0.360-acres of the 75-foot wide shore buffer that surrounds Legend Creek. The applicant may need to obtain approval from the Wisconsin Department of Natural Resources for encroachment into the proposed 75-foot wide shore buffer. According to Table 15-4.0100 of the UDO, mitigation is only allowed for shore buffers in cases of crossings (street, bicycle or pedestrian) which are determined to be in the best interest of the City and which crossings are at or near a 90 degree angle.

PROPOSED MITIGATION:

The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for the filling of shore buffer with 0.139 total affected acreage, floodplain with 0.100 total affected acreage, wetland buffers with 2.546 total affected acreage, wetland setbacks with 2.222 total affected acreage, and wetlands with 0.940 total affected acreage. Using the required mitigation ratios discussed in the previous section, a minimum of 0.209 acres of shore buffer, 3.819 acres of wetland buffer and 1.410 acres of wetland must be created, unless otherwise approved through the Natural Resource Special Exception process.

Although the UDO requires mitigation for the disturbance of floodplains, it does not specify the mitigation ratio. In addition, the UDO does not require mitigation for wetland setbacks; however, planning staff, in their review of previous NRSE requests, has recommended that permanently filled/developed wetland setbacks be mitigated at a minimum ratio of 1.5 acres for every disturbed acre.

Section 15-4.0103(A) of the UDO states that the intent of the mitigation standards is not to provide for or allow mitigation under all circumstances, but rather to set specific standards to be applied only under certain circumstances when the extent of or the nature of the natural resources features on a site, when balanced against the benefit of the proposed development to the community, considering practicable alternatives available for the development, render strict application of the natural resource protection regulations to such natural resource features to be unreasonable and that such natural resources features may be better preserved

and/or enhanced by using a more permissive mitigation approach, so that the functional values of natural resource features will be preserved or enhanced in co-existence with development.

Section 15-4.0103(C) also states that offsite mitigation may be permitted by the Plan Commission provided that such offsite mitigation occurs within the same watershed as the natural resource feature, or property, being mitigated, and the Plan Commission determines that on-site mitigation is unavailable or less beneficial to the environment than the mitigation proposed to occur offsite. Off-site mitigation outside of the same subwatershed as the natural resource feature or property being mitigated, may be permitted by the Plan Commission provided that such off-site mitigation occurs within the City and the Plan Commission determines that off-site mitigation within the same subwatershed is unavailable or less beneficial to the functional values of the natural resource feature type being mitigated or less beneficial to the environment or to living creatures than the mitigation proposed to occur outside of the same subwatershed.

The applicant is proposing the following mitigation measures to offset disturbances to the protected natural resource standards:

Wetlands

Using the required 1.5:1 mitigation ratio prescribed in the UDO, a total of 1.410 acres of wetland would typically be mitigated. For this project, the applicant is proposing to provide rain gardens and two 20-foot wide bio swales with natural plantings within the parking lot area. (The square footage of these areas was not provided). In addition, the applicant is (1) specifying a storm sewer system that combines catch basins and oil-water debris separators and (2) specifying a wet bottom detention pond to filter the stormwater runoff, reduce soil erosion and provide total suspended solids (TSS) removal. The applicant intends to purchase mitigation credits from the Wisconsin Department of Natural Resources; however, the WDNR has not yet determined how many credits the applicant will be required to purchase.

Wetland Buffers/Wetland Setbacks

Using the required 1.5:1 mitigation ratio prescribed in the UDO, a total of 3.819 acres of wetland buffer would typically be mitigated. According to the applicant's response to staff's first review comment letter, mitigation for the buffers and setbacks is proposed through floodplain compensatory storage. The applicant has indicated that a total of about 379 cubic feet of floodplain compensatory storage area will be provided (a ratio of about 1.8:1 to the amount of floodplain to be filled). However, the applicant has not indicated how much of this compensatory storage is for wetland buffer/setback impacts and how much is for floodplain impacts.

Floodplain

The UDO requires mitigation for all floodplain disturbances; however, the UDO does not require a specific floodplain mitigation ratio. According to the submitted NRPP, a total of 0.100 acre of floodplain will be impacted. According to the applicant's response to staff's first review comment letter, mitigation for the floodplain is proposed through floodplain compensatory storage. The applicant has indicated that a total of about 379 cubic feet of

floodplain compensatory storage area will be provided (a ratio of about 1.8:1 to the amount of floodplain to be filled). However, the applicant has not indicated how much of this compensatory storage is for wetland buffer/setback impacts and how much is for floodplain impacts.

Shore Buffer

According to Table 15-4.0100 of the UDO, mitigation is only allowed for shore buffers in cases of crossings (street, bicycle or pedestrian) which are determined to be in the best interest of the City and which crossings are at or near a 90 degree angle. Using the typical 1.5:1 mitigation ratio prescribed in the UDO, a total of 3.819 acres of shore buffer would be mitigated. However, the NRSE Application submittal does not provide any details about proposed mitigation measures for shore buffer disturbances.

CONCLUSION:

Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. *Also attached is a document titled "City of Franklin Environmental Commission" that the Environmental Commission must complete and forward to the Common Council.* The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

The following is a list of technical corrections that staff is recommending the applicant address prior to the Plan Commission meeting:

1. The "Floodway Limits" linetype in the legend does not match the linetype on the drawing.
2. The "Limits of Disturbance" linetype color is too similar to the property linetype color.
3. Label all landscape islands that will be used as rain gardens.
4. Applicant should clearly describe each mitigation method and demonstrate how each mitigation method meets the requirements set forth in the UDO. Alternatively, the applicant should request a waiver from each mitigation standard that will not be met. For example, no mitigation information was provided that addresses the shore buffer encroachment. Does the applicant intend to meet the UDO's mitigation requirements, or request a waiver?
5. Floodplain fill and floodplain excavation are given in total cubic yards. The total area must also be given in square feet.
6. SEWRPC's Secondary Environmental Corridor (SEC) must be identified on the submitted Plans. It is unknown at this time if the proposed development footprint will encroach into the SEC.
7. Wisconsin Department of Natural Resources, Army Corps of Engineers, and Federal Emergency Management Agency Letters of Approval are required.

8. The Natural Resource Special Exception Question and Answer Form incorrectly states that the proposed project will have less impact on the natural resources than the development identified on the Crossroads Plan.
9. Page 4 of the response letter incorrectly says that the UDO requires 1.5 acres of mitigation for every acre of floodplain that is disturbed. Please be advised that, while the UDO does require mitigation for floodplain mitigation, no specific ratio is prescribed.

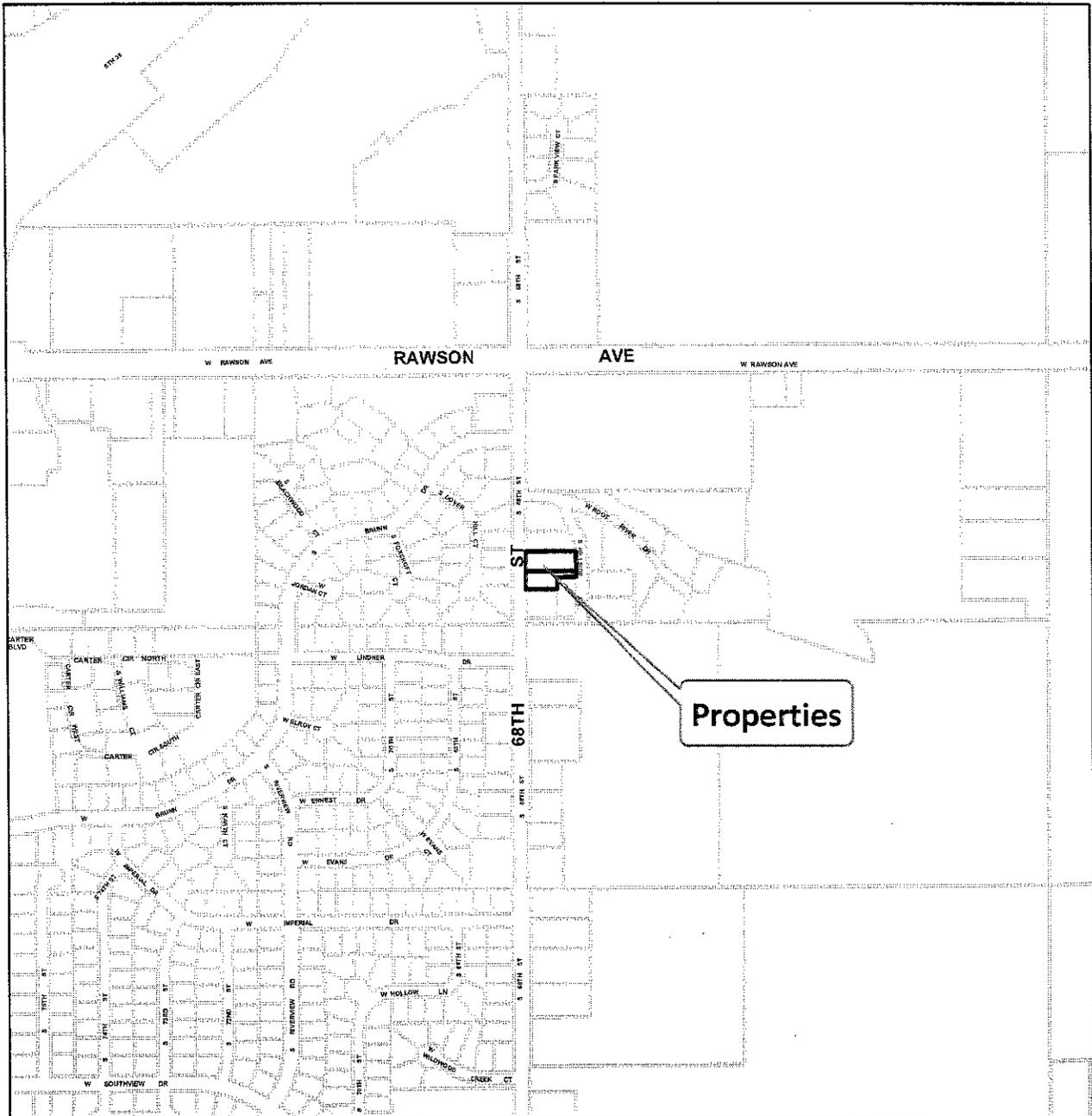
<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">10/02/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 757-9990-000 AND 757-9991-000 (7236 SOUTH 68TH STREET AND 7242 SOUTH 68TH STREET) (JAMES RICHEY, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.5.</i></p>

At their meeting on September 20, 2012, the Plan Commission recommended approval of a resolution conditionally approving a Land Combination for Tax Key Nos. 757-9990-000 and 757-9991-000 (7236 South 68th Street and 7242 South 68th Street) (James Richey, Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2012-_____, a resolution conditionally approving a Land Combination for Tax Key Nos. 757-9990-000 and 757-9991-000 (7236 South 68th Street and 7242 South 68th Street) (James Richey, Applicant).

7236 South 68th Street and 0 South Hillside Drive



0 475 950 1,900 Feet

This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

City Development 2012
(2010 Aerial Layer)



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2012-_____

A RESOLUTION CONDITIONALLY
APPROVING A LAND COMBINATION FOR
TAX KEY NOS. 757-9990-000 AND 757-9991-000
(7236 SOUTH 68TH STREET AND 7242 SOUTH 68TH STREET)
(JAMES RICHEY, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a proposed land combination for James Richey to accommodate construction of a detached garage on a vacant parcel of land located at 7242 South 68th Street, adjoining the Richey residential property at 7236 South 68th Street; bearing Tax Key Nos. 757-9990-000 and 757-9991-000, more particularly described as follows:

Parcel #757-9990-000:

That part of the Northeast 1/4 of Section 10, Town 5 North, Range 21 East in the Town of Franklin, Milwaukee County, Wisconsin, bounded and described as follows to wit: Commencing at a point in the west line of said 1/4 section, said point being 960.89 feet south of the Northwest corner of said 1/4 section, running thence south along the west line of said 1/4 section, 100.0 feet to a point, thence North 89°39'05" East and parallel to the south line of the north 1/2 of said 1/4 section, 315.00 feet to a point, thence northerly along a curved line (having a radius of 1365.0 feet with its center to the west, and a chord 100.04 feet in length, which bears North 02°06' West) a distance of 100.06 feet to a point, thence South 89°39'05" West 311.34 feet to the place of commencement. The west 45.0 feet and the easterly 30.0 feet to be reserved for street purposes. (0.57 acres)

Parcel #757-9991-000:

That part of the Northeast 1/4 of Section 10, in Township 5 North, Range 21 East, in the City of Franklin, Milwaukee, Wisconsin, which is bounded and described as follows: Commencing at a point in the West line of said 1/4 Section, said point being 1060.89 feet to the South of the Northwest corner of said 1/4 Section; thence running North 89°39'05" East and parallel to the South line of the North 1/2 of said 1/4 Section, 315.00 feet to a point; thence South and parallel to the West line of said 1/4 Section, 30.00 feet to a point; thence South 89°39'05" West, 130.00 feet to a point; thence South and parallel to the West line of said 1/4 Section, 58.00 feet to a point; thence South 89°39'05" West, 185.00 feet to a point in the West line of said 1/4 Section; thence North along the West line of said 1/4 Section, 88.00 feet to the point of commencement, Excepting that part reserved for street purposes. Excepting therefrom that part shown in Warranty Deed dated September 23, 1999 and recorded in the Register of Deeds office for Milwaukee County, on November 12, 1999, on Reel 4690, Image 1306, as Document No. 7836090. (0.39 acres); and

WHEREAS, the Plan Commission having reviewed such application and

JAMES RICHEY – LAND COMBINATION
RESOLUTION NO. 2012-_____

Page 2

recommended approval thereof and the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed land combination is appropriate for approval pursuant to law upon certain conditions, all pursuant to §15-9.0312 of the Unified Development Ordinance, Land Combination Permits.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the proposed land combination for James Richey, as submitted by James Richey, as described above, be and the same is hereby approved, subject to the following conditions:

1. James Richey, successors and assigns shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the James Richey land combination project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
2. The approval granted hereunder is conditional upon James Richey and the land combination project for the property located at 7236 South 68th Street and 7242 South 68th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

ATTEST:

Thomas M. Taylor, Mayor

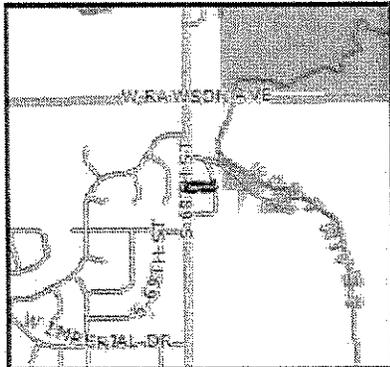
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

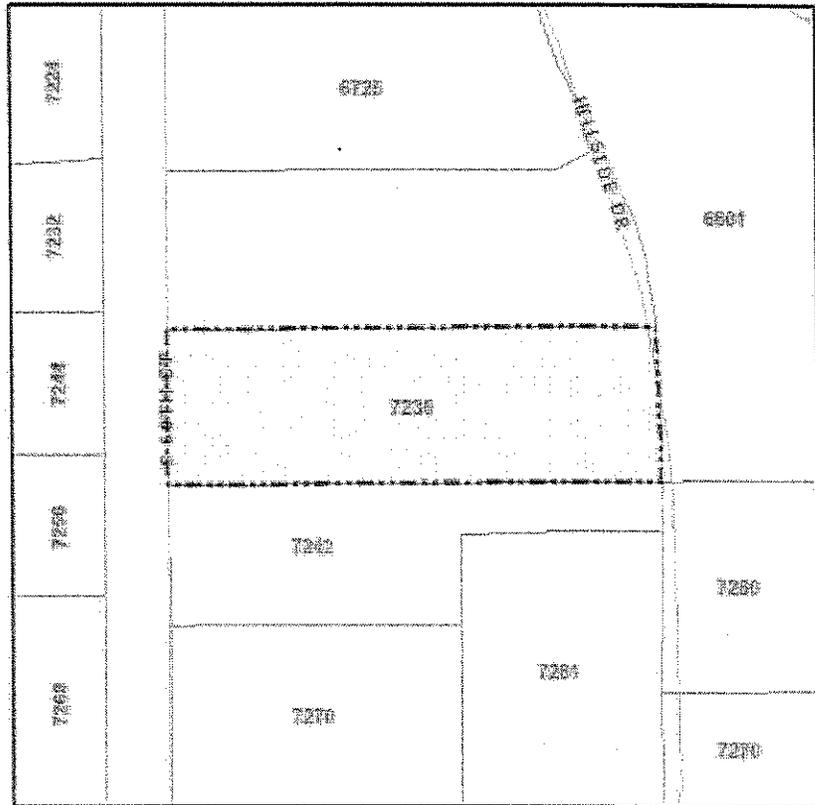
Milwaukee County Land Information Parcel Report

TAXKEY: 7579990000

Report generated 9/7/2012 10:45:42 AM



Parcel location within Milwaukee County



Selected parcel highlighted

Parcel Information

TAXKEY: 7579990000

Record Date: 12/31/2010

Owner(s): JAMES N RICHEY

Address: 7236 S 68TH ST

Municipality: Franklin

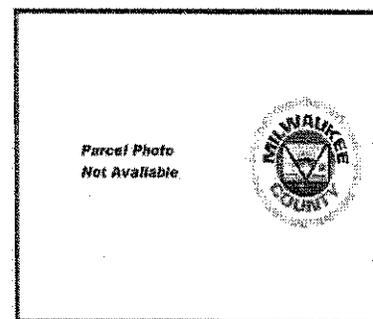
Acres: 0.00

Assessed Value: \$100,500

Parcel Description: RESIDENTIAL

Zoning Description:

Legal Description: COM IN W LI 960.89 FT S OF NW COR OF NE 10 S 21 TH S 100 FT E 315 FT NLY ON CURVE 100.06 FT TH W 311.34 FT TO BEG CONT 0.712 ACS

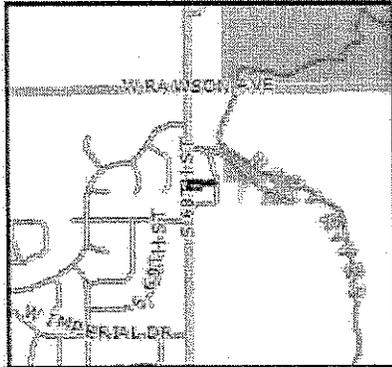


Parcel photo

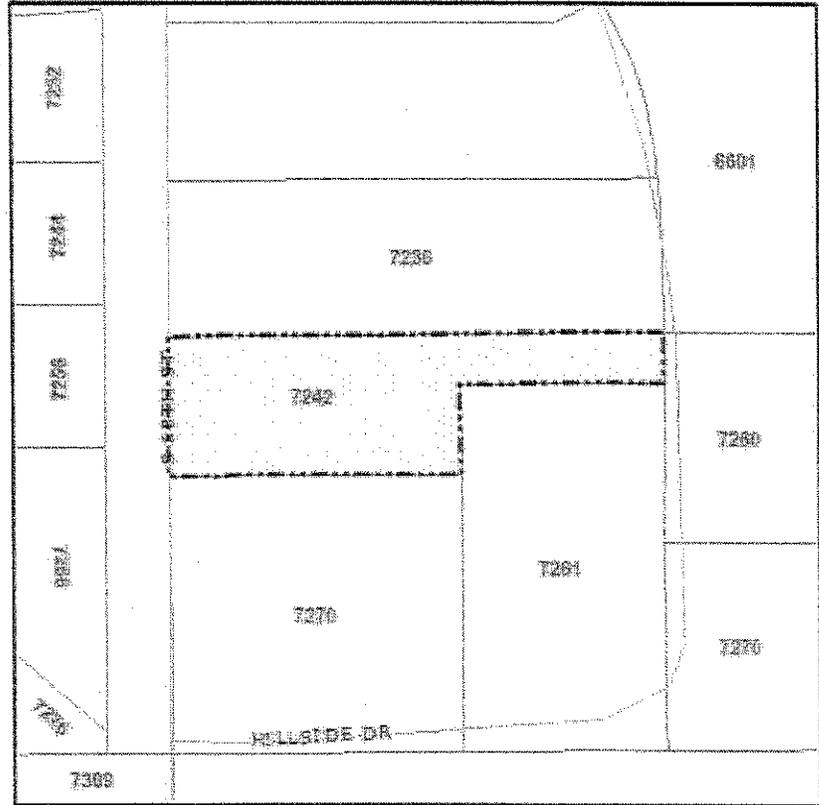
Milwaukee County Land Information Parcel Report

TAXKEY: 7579991000

Report generated 9/7/2012 10:49:21 AM



Parcel location within Milwaukee County



Selected parcel highlighted

Parcel Information

TAXKEY: 7579991000

Record Date: 12/31/2010

Owner(s): JAMES RICHEY

Address: 7242 S 68TH ST

Municipality: Franklin

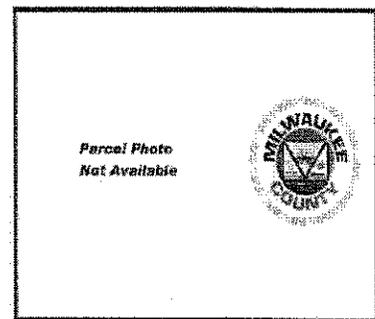
Acres: 0.00

Assessed Value: \$64,200

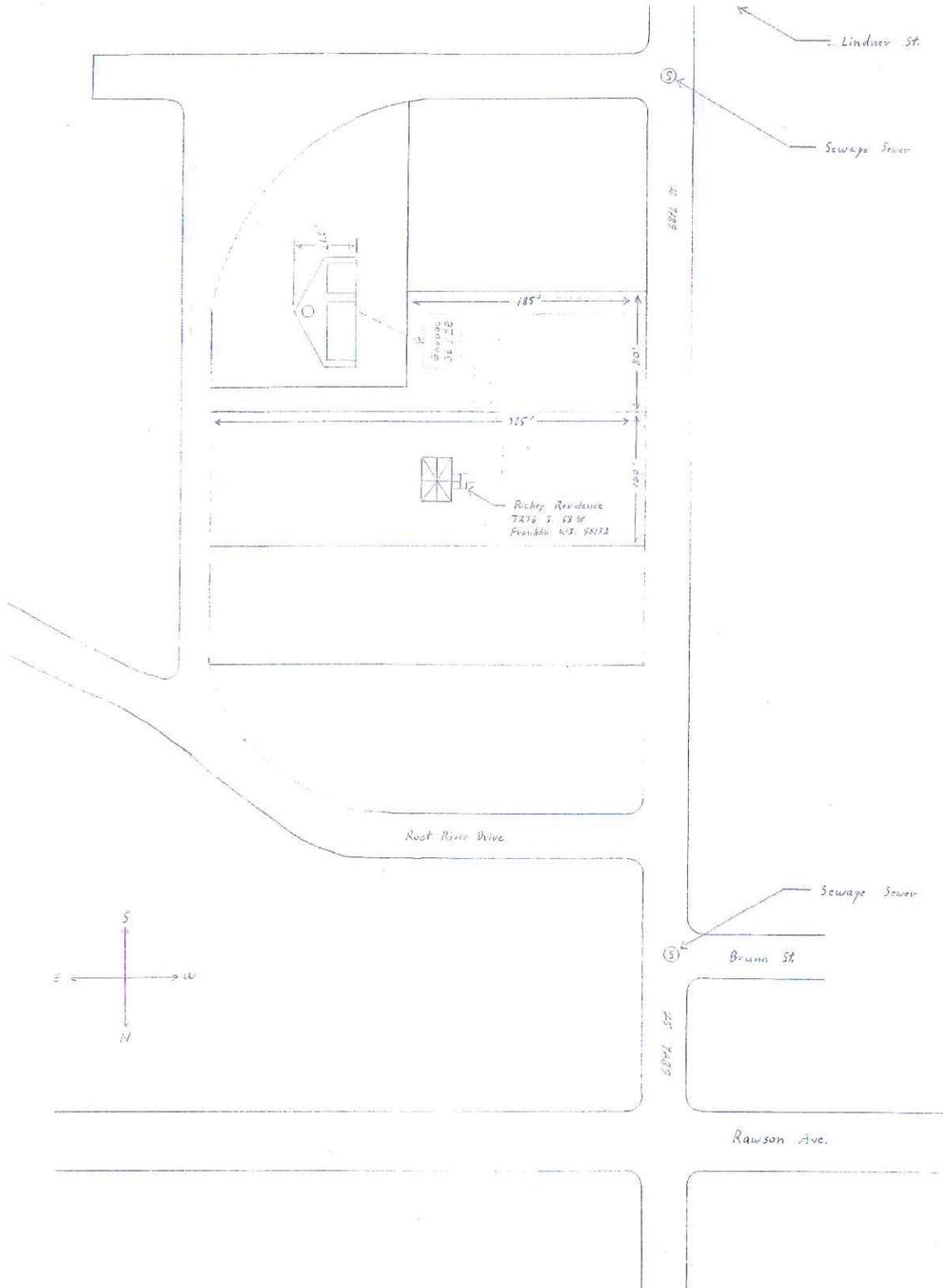
Parcel Description: RESIDENTIAL

Zoning Description:

Legal Description: COM IN W LI 1060.89 FT S OF NW COR OF NE 10 S 21 TH E 315 FT S 30 FT W 130 FT S 58 FT W 185 FT TH N 88 FT TO BEG CONT 0.463 ACS



Parcel photo





CITY OF FRANKLIN



Item III.A.

REPORT TO THE PLAN COMMISSION

Meeting of September 20, 2012

Land Combination Permit

RECOMMENDATION: City Development Staff recommends approval of the proposed Land Combination for property located at 7236 and 7242 South 68th Street.

Project Name:	Richey Land Combination
Project Address:	7236 and 7242 South 68 th Street
Applicant:	James Richey
Owners (property):	James Richey
Current Zoning:	R-6 Suburban Single-Family Residence District
Future Land Use Designation:	Residential
Use of Surrounding Properties:	Residential
Applicant Action Requested:	Approval of the proposed Land Combination for property located at 7236 and 7242 South 68 th Street

PROJECT DESCRIPTION AND ANALYSIS:

On September 4, 2012, Mr. Richey filed a Land Combination Permit Application with the Department of City Development, requesting approval to combine the parcels located at 7236 and 7242 South 68th Street. The 0.57-acre parcel located at 7236 South 68th Street contains a single-family residence and the 0.39-acre parcel located at 7242 South 68th Street is currently vacant. The resultant property will have an area of approximately 0.96 acres.

Land Combination Permit approval is needed because the applicant would like to construct a detached garage on the parcel that is currently vacant, and section 15-3.0801 of the Unified Development Ordinance (UDO) prohibits accessory structures on properties without a principal structure. The applicant will need a variance from the Board of Zoning and Building Appeals to construct a detached garage that would (1) exceed the 900 square foot limit for wood-framed accessory structures, (2) be located in a portion of the front yard, (3) encroach into the minimum 30-foot rear yard setback area, and (4) exceed the 15-foot high accessory structure height limit.

Since both parcels are lots of record that existed prior to August 1, 1998, a Natural Resource Protection Plan is not required. The 0.96-acre property resulting from the land combination will meet the R-6 Suburban Single-Family Residence District Development Standards.

STAFF RECOMMENDATION:

City Development staff recommends approval of the proposed Land Combination for property located at 7236 and 7242 South 68th Street.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 10/2/12
Reports & Recommendations	SUBJECT: Resolution authorizing certain officials to execute a development agreement with the People's Choice Corporation for sanitary sewer and water main extension for the proposed Hampton Inn Suites to be located north of W. Rawson Avenue and west of S. 76 th Street	ITEM NO. <i>G. 6.</i>

BACKGROUND

The developer of the proposed Hampton Inn Suites to be located north of W. Rawson Avenue and west of S. 76th Street has requested to extend sanitary sewer and water main through the existing car wash property to the south prior to the reopening of the car wash.

ANALYSIS

Staff has drafted a development agreement to facilitate the sanitary sewer and water main extension.

OPTIONS

Approve

or

Deny

FISCAL NOTE

All costs including inspection will be paid for by the developer.

RECOMMENDATION

Motion to adopt Resolution No. 2012- _____ a resolution authorizing certain officials to execute a development agreement with the People's Choice Corporation for sanitary sewer and water main extension for the proposed Hampton Inn Suites to be located north of W. Rawson Avenue and west of S. 76th Street.

JMB/sg

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2012- _____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH THE PEOPLE'S CHOICE CORPORATION FOR SANITARY SEWER AND WATER MAIN EXTENSION FOR THE PROPOSED HAMPTON INN SUITES TO BE LOCATED NORTH OF W. RAWSON AVENUE AND WEST OF S. 76TH STREET

WHEREAS, it is in the best interest of the City of Franklin to provide for an extension of sanitary sewer and water main to the proposed Hampton Inn Suites located north of W. Rawson Avenue and west of S. 76th Street; and

WHEREAS, the developer is willing to proceed with the installation of the improvements prior to the development through the car wash site located at W. Rawson Avenue.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Mayor and City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development Agreement with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council on the _____ day of _____, 2012 by Alderman _____.

Passed and adopted by the Common Council on the _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

JMB/sg

CITY OF FRANKLIN

WISCONSIN

DEVELOPMENT AGREEMENT

FOR

PEOPLE'S CHOICE CORPORATION

October 2012

**DEVELOPMENT AGREEMENT
FOR
PEOPLE'S CHOICE CORPORATION
Offsite Sanitary Sewer and Water Main Extension
Hampton Inn Suites Development**

ARTICLES OF AGREEMENT made and entered into this _____ day of _____, 2012, by and between People's Choice Corporation, hereinafter called the "Developer" as party of the first part, and the City of Franklin, a municipal corporation of Milwaukee County, Wisconsin, party of the second part, hereinafter called the "City".

WITNESSETH:

WHEREAS, the Developer desires to improve and develop certain lands located in the City as described on attached Exhibit "A" (the "Development"), and for that purpose cause the installation of certain public improvements, hereinafter described in this agreement and the exhibits hereto (the "Improvements"), and

WHEREAS, Sections 236.13(2)(a), 236.13(2)(b) and 236.13(2)(c), Wis. Stats. and Chapter 15-9.0300 of the City of Franklin Municipal Code, provide that as a condition of approving the Development, the governing body of a municipality may require that the Developer make and install, or have made and have installed, any public improvements reasonably necessary, that designated facilities be provided as a condition of approving the Planned Development District (Hampton Inn Suites), that necessary alterations to existing public utilities be made, and that the Developer provide a Letter of Credit approved by the City Attorney guaranteeing that the Developer will make and install, or have made and installed, those improvements within a reasonable time, and

WHEREAS, the public works schedule and budget of the City does not now include the Improvements for the Development and normally there would be a considerable delay in the installation of the Improvements unless this Agreement is entered into by the parties, and

WHEREAS, the City believes that the orderly planned development of the Development will best promote the health, safety and general welfare of the community, and hence is willing to approve the Development provided the Developer proceed with the installation of the Improvements in the Development, on the terms and conditions set forth in this Agreement and the exhibits attached hereto.

NOW, THEREFORE, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration to each in hand paid by the other, receipt of which is hereby acknowledged and in consideration of the mutual covenants herein contained, the parties agree:

1. The legal description of the Development is set forth on attached Exhibit "A".
2. The Improvements aforementioned shall be as described in Exhibit "B" except as noted in Exhibit "E".
3. The Developer shall prepare plans and specifications for the aforesaid Improvements, under direction of the City Engineer, and to be approved by the City Engineer. After receiving the City's approval thereof, the Developer shall take bids, and award contracts (the "Improvements Contracts") for and install all of the Improvements in accordance with standard engineering and public works practices, and the applicable statutes of the State of Wisconsin. The Improvements shall be based on the construction specifications stated in attached Exhibit "F".
4. The full cost of the Improvements will include all labor, equipment, material, engineering, surveying, inspection and overhead costs necessary or incidental to completing the Improvements (collectively the "Improvements Costs"). Payment for the Improvements Costs will be made by the Developer periodically as the Improvements are completed as provided on the Improvements Contracts. The total estimated cost of the Improvements is Twenty Five Thousand, Four Hundred and 00/100 Dollars as itemized in attached Exhibit "D".

5. To assure compliance with all of Developer's obligations under this Agreement, prior to the issuance of any building permits, the Developer shall file with the City a Letter of Credit (the "Letter of Credit") in the initial amount of \$25,400 representing the estimated costs for the Improvements as shown in attached Exhibit "D". Upon the written approval of the City Engineer, the amount of the Letter of Credit may be reduced periodically as the Improvements are paid for and approved by the City so that following each such reduction, the Letter of Credit equals the total amount remaining for Improvements Costs pertaining to Improvements for which Developer has not paid as set forth in the Improvements Contracts for the Improvements or which remain unapproved by the City. The Letter of Credit shall be issued by a bank or other financial institution (the "Surety Issuer") reasonably satisfactory to the City (the "Beneficiary") in a form satisfactory to the City Attorney. Failure to file the Letter of Credit within ten (10) days after written demand by the City to the Developer shall make and render this Agreement null and void, at the election of the City. Upon acceptance by the City (as described below) of and payment by Developer for all the completed Improvements, the Letter of Credit shall be surrendered by the City to the Developer, and thereafter the Developer shall have no further obligation to provide the Letter of Credit to the City under this Paragraph 5, except as set forth under Paragraph 13 below.
6. In the event the Developer fails to pay the required amount for the Improvements or services enumerated herein within thirty (30) days or per contract after being billed for each improvement of each stage for any Improvements Costs at the time and in the manner provided in this Agreement, and if amounts remain unpaid after an additional thirty (30) days written notice to Developer, the City may notify the Surety Issuer in writing to make the said payments to the Contractor within five (5) days after receiving a written demand from the City to make such payment. Demand shall be sent by registered letter with a return receipt requested, addressed to the Surety Issuer at the address indicated on the Letter of Credit, with a copy to the Developer, described in Paragraph five (5) above. It is understood between the parties to this Agreement, that billings for the Improvements Costs shall take place as the various segments and sections of the Improvements are completed and certified by the City Engineer as complying with the approved plans and applicable provisions of the Franklin Municipal Code.

In addition, the City Engineer may demand that the Letter of Credit be extended from time to time to provide that the Letter of Credit be in force until such time that all improvements have been installed and accepted through the one (1) year guarantee period. Demand for said extension shall be sent by registered letter with a return receipt, with a copy to the Developer. If said Letter of Credit is not extended for a minimum of a one (1) year period prior to expiration date of the Letter of Credit, the City may send written notice to the Surety Issuer to make payment of the remaining balance of the Letter of Credit to the City to be placed as an escrow deposit.

Any funds remaining in such escrow deposit after all of the Developer's obligations hereunder have been fully paid for, satisfied and completed, shall be returned to the Developer upon the City's receipt of the written consent of the Surety Issuer.

7. The following special provisions shall apply:
 - (a) Those special provisions as itemized on attached Exhibit "C" and attached Exhibit "E" are hereby incorporated by reference in this Agreement and made a part hereof as if fully set forth herein.
 - (b) Fee title to all of the Improvements and binding easements upon lands on which they are located, shall be dedicated and given by the Developer to the City, in form and content as required by the City, without recourse, and free and clear of all monetary liens or encumbrances, with final inspection and approval of the Improvements and accompanying title and easement documents by the City constituting acceptance of such dedication. The Improvements shall thereafter be under the jurisdiction of, the City and the City shall maintain, at the City's expense, all of the Improvements after completion and acceptance thereof by the City. Necessary permits shall be obtained for all work described in this Agreement.
8. The Developer agrees that it shall be fully responsible for all the Improvements in the Development and appurtenances thereto during the period the Improvements are

being constructed and continuing until the Improvements are accepted by the City (the "Construction Period"). Damages that may occur to the Improvements during the Construction Period shall be replaced or repaired by the Developer. The Developer's obligations under this Paragraph 8 as to any Improvement terminates upon acceptance of that Improvement by the City.

9. The Developer shall take all reasonable precautions to protect persons and property of others on or adjacent to the Development from injury or damage during the Construction Period. This duty to protect shall include the duty to provide, place and maintain at and about the Development, lights and barricades during the Construction Period.
10. If the persons or property of others sustain loss, damage or injury resulting directly or indirectly from the work of the Developer or its subcontractors or materialmen in their performance of this Agreement or from its failure to comply with any of the provisions of this Agreement or of applicable law, the Developer shall indemnify and hold the City harmless from any and all claims and judgments for damages, and from reasonable costs and expenses to which the City may be subjected or which it may suffer or incur by reason thereof, provided; however, that the City shall provide to the Developer promptly, in writing, notice of the alleged loss, damage or injury.
11. Except as otherwise provided in Paragraph 12 below, the Developer shall indemnify and save harmless the City, its officers, agents and employees, and shall defend the same, from and against any and all liability, claims, loss, damages, interest, actions, suits, judgments, costs, expenses, and attorneys' fees, to whomsoever owed and by whomsoever and whenever brought or obtained, which in any manner results from or arises in connection with:
 - (a) the negligent or willfully wrongful performance of this Agreement by the Developer or any subcontractor retained by the Developer,
 - (b) the negligent or willfully wrongful construction of the Improvements by the Developer or by any of said subcontractors,
 - (c) the negligent or willfully wrongful operation of the Improvements by the Developer during the Construction Period,
 - (d) the violation by the Developer or by any of said subcontractors of any law, rule, regulation, order or ordinance, or
 - (e) the infringement by the Developer or by any of said subcontractors of any patent, trademark, trade name or copyright.
12. Anything in this Agreement to the contrary notwithstanding, the Developer shall not be obligated to indemnify the City or the City's officers, agents or employees (collectively the "Indemnified Parties") from any liability, claim, loss, damage, interest, action, suit, judgment, cost, expenses or attorneys fees which arise from or as a result of the negligence or willful misconduct of any of the Indemnified Parties.
13. The Developer hereby guarantees that the Improvements will be free of defects in material and/or workmanship for a period of one (1) year from the date of acceptance of the Improvements by the City. To secure the Developer's obligations under said guaranty upon acceptance of the Improvements by the City, the Developer will provide to the City a Letter of Credit equal to 10% of the sub-total in Exhibit "D" of the total Improvements Costs, which Letter of Credit shall expire one (1) year after the Improvements have been accepted by the City or continue the existing base Letter of Credit maintaining a minimum of 10% of the sub-total in Exhibit "D" of the total Improvements Costs for one (1) year after the improvements have been accepted by the City. This Letter of Credit shall be a partial continuation of, and not in addition to, the Letter of Credit described in Paragraph 5 above.
14. (a) The Developer shall not commence work on the Improvements until it has obtained all insurance coverages required under this Paragraph 14 and has filed certificates thereof with the City:

- (1) COMPREHENSIVE GENERAL LIABILITY AND PROPERTY DAMAGE INSURANCE - Coverage shall protect the Developer and

all subcontractors retained by the Developer during the Construction Period and all persons and property from claims for damages for personal injury, including accidental death as well as claims for property damages, which may arise from performing this Agreement, whether such performance be by the Developer or by any subcontractor retained by the Developer or by anyone directly or indirectly employed by either the Developer or any such subcontractor. The City shall be named as an additional insured on all such insurance coverage under this Paragraph 14(a)(1) and Paragraph 14(a)(2). The amounts of such insurance coverage shall be as follows:

Bodily Injury	\$1,000,000 Per Person \$1,000,000 Per Occurrence \$1,000,000 Aggregate
Property Damage	\$500,000 Per Occurrence \$500,000 Aggregate

(2) COMPREHENSIVE AUTOMOBILE LIABILITY AND PROPERTY DAMAGE - Insurance coverage for the operation of owned, hired and non-owned motor vehicles shall be in the following amounts:

Bodily Injury	\$1,000,000 Per Person \$1,000,000 Per Occurrence
Property Damage	\$500,000 Per Occurrence

(b) The Developer shall file a certificate of insurance containing a thirty (30) day notice of cancellation to the City prior to any cancellation or change of said insurance coverage which coverage amounts shall not be reduced by claims not arising from this Agreement.

15. The Developer shall not be released or discharged of its obligations under this Agreement until the City has completed its final inspection of all the Improvements and the City has issued its written approval of all of the Improvements, which approval shall not be unreasonably withheld or delayed, and Developer has paid all of the Improvements Costs, at which time the Developer shall have no further obligations under this Agreement except for the one (1) year guaranty under Paragraph 13.
16. The Developer and the City hereby agree that the cost and value of the Improvements will become an integral part of the value of the Development and that no future lot assessments or other types of special assessments of any kind will be made against the Development by the Developer or by the City for the benefit of the Developer, to recoup or obtain the reimbursement of any Improvement Costs for the Developer.
17. Execution and performance of this Agreement shall be accepted by the City as adequate provision for the Improvements required within the meaning of Sections 236.13(2)(a), 236.13(2)(b), and 236.13(2)(c) Wis. Stats.
18. Penalties for Developer's failure to perform any or all parts of this Agreement shall be in accordance with Section 21.40 of Franklin Municipal Code, as amended from time to time, in addition to any other remedies provided by law or in equity so that the City may obtain Developer's compliance with the terms of this Agreement as necessary.
19. This Agreement shall be binding upon the parties hereto and their respective successors and assigns, excepting that the parties hereto do not otherwise intend the terms or provisions of this Agreement to be enforceable by or provide any benefit to any person or entity other than the party of the first part and the party of the second part. Developer shall not convey or assign any of its rights or obligations under this contract whatsoever without the written consent of the City, which shall not be unreasonably withheld upon a showing that any successor or assignee is ready, willing and able to fully perform the terms hereof and the Developer remains liable hereunder.

WITNESS WHEREOF, the said party of the first part has set its hand and seal and the said parties of the second party have caused these presents to be duly executed by Thomas M. Taylor, Mayor, and Sandra L. Wesolowski, City Clerk, and its corporate seal to be hereunto affixed as of the day and year first above written.

SEALED IN PRESENCE OF: PEOPLE'S CHOICE CORPORATION

By: _____
Name: Edward W. Eldridge

Title: President

Party of the First Part

STATE OF WISCONSIN)ss.
_____ COUNTY)

Personally came before me this _____ day of _____, 2012, the above named Edward W. Eldridge of People's Choice Corporation and acknowledged that he executed the foregoing instrument as such officer as the deed of said People's Choice Corporation by its authority.

Notary Public, _____ County, WI
My commission expires: _____

CITY OF FRANKLIN

By: _____
Name: Thomas M. Taylor
Title: Mayor

COUNTERSIGNED:

By: _____
Name: Sandra L. Wesolowski
Title: City Clerk

Parties of the Second Part

STATE OF WISCONSIN)ss.
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 2012 the above named Thomas M. Taylor, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they had executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution File No. _____, adopted by its Common Council on this _____ day of _____, 2012.

Notary Public, Milwaukee County, WI
My commission expires: _____

This instrument was drafted by John M. Bennett, City Engineer for the City of Franklin

Form approved:

Jesse Wesolowski, City Attorney

**INDEX OF EXHIBITS
TO
DEVELOPMENT AGREEMENT
FOR
PEOPLE'S CHOICE CORPORATION**

Exhibit A	Legal Description of Development
Exhibit B	General Description of Required Development Improvements
Exhibit C	General Development Requirements
Exhibit D	Estimated Improvement Costs
Exhibit E	Additional Development Requirements
Exhibit F	Construction Specifications

EXHIBIT "A"
TO
DEVELOPMENT AGREEMENT
FOR
PEOPLE'S CHOICE CORPORATION

LEGAL DESCRIPTION
OF DEVELOPMENT

Lot 1 of Certified Survey Map No. 8467 in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 4, Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

EXHIBIT "B"
TO
DEVELOPMENT AGREEMENT
FOR
PEOPLE'S CHOICE CORPORATION

GENERAL DESCRIPTION OF REQUIRED DEVELOPMENT IMPROVEMENTS

Description of improvements required to be installed to develop People's Choice Corporation Development.

Denotes contract for improvements to be awarded, financed and paid for by the Developer in lieu of special assessments.

General Description of Improvements

1. Sanitary sewer main and appurtenances in the easement abutting the Development, to such size and extent as determined by the master sewer plan and/or City Engineer, as necessary to provide adequate service for the final Development

2. Water main, fittings and hydrants in the easement in the abutting Development, to such size and extent as determined by the master water plan and/or the City Engineer as necessary to provide adequate service for the final Development and service area.

EXHIBIT "C"
TO
DEVELOPMENT AGREEMENT
FOR
PEOPLE'S CHOICE CORPORATION

GENERAL DEVELOPMENT REQUIREMENTS

I. WATER SYSTEM

Construction

1. All construction shall be in accordance with the specifications of the City.
2. Inspection of the work shall be at the Developer's expense.
3. Mains and appurtenances including all pipe, hydrants and gate valves shall be installed.

II. SANITARY SEWER SYSTEM

Construction

1. All construction shall be in accordance with the specifications of the City.
2. Inspection of the work shall be at the Developer's expense.
3. Mains and appurtenances including all pipe, and manholes shall be installed.

III. DEED RESTRICTIONS

- A. A Letter of Credit approved by the City Attorney in the full amount of the sanitary sewer and water main extension.
- B. Subject to the terms of this Agreement, the time of completion of improvements shall be as follows:
 1. The Developer shall take all action necessary so as to have all the improvements specified in this agreement installed and approved by the City before six months from the date of this agreement.
 2. Should the Developer fail to take said action by said date, it is agreed that the City, at its option and at the expense of the Developer, may cause the installation of or the correction of any deficiencies in said improvements.

IV. CHARGES FOR SERVICES BY THE CITY OF FRANKLIN

A. Fee for Checking and Review

At the time of submitting the plans and specifications for the construction of the Development improvements, a fee equal to two-and one-fourth percent (2-1/4%) of the cost of the improvements as estimated by the City Engineer at the time of submission of improvement plans and specifications, to partially cover the cost to the City of checking and reviewing such plans and specifications provided that cost does not exceed \$250,000.00; a fee equal to one-and-three-fourth percent (1-3/4%) of such cost, if the cost is in excess of \$250,000.00, but not in excess of \$500,000.00, and one-and-one-fourth percent (1-1/4%) of said cost in excess of \$500,000.00. At the demand of the Developer or City Engineer, the fee may be recomputed after the work is done in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the Developer. Evidence of cost shall be in such detail and form as required by the City Engineer.

- B. For the services of testing labs, consulting engineers and other personnel, the Developer agrees to pay the City the actual charge plus five (5%) percent for administration and overhead.

EXHIBIT "D"
TO
DEVELOPMENT AGREEMENT
FOR
PEOPLE'S CHOICE CORPORATION

ESTIMATED IMPROVEMENT COSTS

All improvement costs, including but not limited to preparation of plans, installation of facilities and inspection shall be borne by the Developer in accordance with Paragraph (4) of this Agreement.

Said costs for the Improvements are estimated to be as follows:

DESCRIPTION	COSTS
Sewer & Water Main Offsite	\$ 20,000
SUBTOTAL	\$ 20,000
Municipal Services (7.0% of Subtotal)	1,400
Contingency Fund (20% of Subtotal)	4,000
TOTAL:	\$ 25,400

Total: Twenty Five Thousand, Four Hundred and 00/100 Dollars.

APPROVED BY: _____
 John M. Bennett, City Engineer

DATE: _____

EXHIBIT "E"
TO
DEVELOPMENT AGREEMENT
FOR
PEOPLE'S CHOICE CORPORATION

ADDITIONAL DEVELOPMENT REQUIREMENTS
--

1. The Developer shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses pursuant to the approved Natural Resource Protection Plan (the "NRPP"). Trees shall be protected and preserved during construction in accordance with sound conservation practices as outlined in section 15-8.0204 a-f of the UDO.
2. The Developer shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications approved by the City Engineer as outlined in section 15-8.0203H 1-5 of the UDO.
3. The Developer shall be responsible for cleaning up the debris that has blown from buildings under construction within the development. The Developer shall clean up all debris within twenty-four (24) hours after receiving a notice from the City Engineer.
4. The Developer shall be responsible for cleaning up the mud and dirt on the roadways until such time as the final lift of asphalt has been installed. The Developer shall clean the roadways within twenty-four (24) hours after receiving a notice from the City Engineer.
5. Prior to commencing site grading, the Developer shall submit for approval, by the City Engineer, an erosion and silt control plan consistent with applicable law. Said plan shall provide sufficient control of the site to prevent siltation downstream from the Development. The Developer shall maintain the erosion and siltation control until such time that vegetation sufficient to equal pre-existing conditions.

EXHIBIT "F"
TO
DEVELOPMENT AGREEMENT
FOR
PEOPLE'S CHOICE CORPORATION

CONSTRUCTION SPECIFICATIONS

The following specifications shall be used for the construction of the various improvements.

ITEM	SPECIFICATION
Storm & Sanitary Sewer	STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, most current edition CITY OF FRANKLIN
Water Mains	STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, most current edition CITY OF FRANKLIN

JMB/db

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR</p> <p style="text-align: center;">COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">10/02/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Resolution for an Urban Forestry Grant Program for 2013 Emerald Ash Borer Response Project</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.7.</i></p>

The Wisconsin Department of Natural Resources (DNR) makes available annually an Urban Forestry Grant Program which provides funding to communities for projects that stimulate and support the development of urban forestry and management programs. The grant funds assist communities with tree inventories, management plans, and Emerald Ash Borer response. The grant is a 50/50 match fund, with grants available from \$1,000.00 to \$25,000.00.

In August, 2009 the Department of Public Works staff identified Emerald Ash Borer within the City of Franklin. In 2010 the City of Franklin was awarded a \$25,000.00 matching grant to update our tree inventory, write a tree management plan and purchase replacement trees. For the 2013 Emerald Ash Borer Response Project the Public Works Department is recommending to purchase 300 trees for a cost of \$43,000.00, to be planted by DPW staff, and \$7,000.00 to purchase inventory maintenance software. If the grant request is successful the City would receive \$25,000.00 in matching funds thru the Wisconsin Department of Natural Resources Urban Forestry Grant Program.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2012-_____, a resolution for the Urban Forestry Grant Program, and submit the 2013 Wisconsin Urban Forestry Grant application.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2012- _____

URBAN FORESTRY GRANT PROGRAM

WHEREAS, the City of Franklin Public Works Department is committed to continue implementing their Emerald Ash Borer Response Plan; and

WHEREAS, Emerald Ash Borer is spreading throughout the City faster than anticipated; additional funds are being requested from a matching grant available from the Department of Natural Resource.

THEREFORE, BE IT RESOLVED that the City of Franklin shall budget a sum sufficient to complete the 2013 Emerald Ash Borer Response Project, and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Common Council of the City of Franklin, authorizes the City of Franklin Public Works Department to act on behalf of the City of Franklin to submit an application to the State of Wisconsin Department of Natural Resources for any financial aid that may be available; sign documents; and take necessary actions to undertake, direct and complete the approved project.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin on this 2nd day of October, 2012 by Alderman _____.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Franklin this 2nd day of October, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Notice: Pursuant to US Public Law 95-313, s. 6(b), s. 23.097, Wis. Stats., and ch. NR 47, Wis. Adm. Code, this form is required to be completed to apply for an Urban Forestry Grant. The Department will be unable to process your application unless complete information is provided as requested. Information will be used to determine grant award lists, provide statistical information and potentially to use as an example for other grant applicants. Personally identifiable information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records Law [ss. 19.31-19.39, Wis. Stats.].

Grant is for calendar year 2013

Section I: Applicant Information

Organization Name
 City of Franklin

Applicant is a (check one)
 City Village Town County Tribal Government 501(c)(3) nonprofit organization

Located in the county of: Milwaukee

Applicant Authorized Representative Information

Last Name Schaefer	First Name Jerry	MI H	Phone Number (incl. area code) (414) 425-2592
Address 7979 W Ryan Road			FAX Number (incl. area code) (414) 425-7315
City Franklin	State WI	ZIP Code 53132	Email jschaefer@franklinwi.gov

Project Manager (if different from Authorized Representative)

Last Name Bennett	First Name John	MI M	Phone Number (incl. area code) (414) 425-7510
Address 9229 W. Loomis Rd			FAX Number (incl. area code) (414) 425-3106
City Franklin	State WI	ZIP Code 53132	Email jbennett@franklinwi.gov

Section II: Project Description

Project Title Emerald Ash Borer Response

Describe the project and all individual components, using additional sheets if necessary. The project must be related to urban forestry as defined on page 17 of the application guidelines. This project consists of the following components: (See page 5 of guidelines, "Eligible Projects" for examples of components.) Mark all that apply to your project. For each component marked, describe what will be developed, performed and/or implemented.

- Emerald Ash Borer Preparation/Response (inventory, plan, education, training) Removal and Replacement of street trees that have been infested or at high risk of EAB.
- Public Awareness / Volunteer Development We will continue to inform residents about EAB through our quarterly newsletter, and brochures handed out to residents with infested trees.
- Staff Training / Education
- Operations (planting, pruning, removals, fertilization, storm damage mitigation, pest control, etc.) Planting diverse species to increase overall city tree diversity while preserving as much of the tree canopy as possible. Removing infested tree and high risk trees before they can pose a threat to people or property.
- Management
 - Plan Development (management, strategic, storm response, pest response, planting)
 - Inventory
 - Ordinances
 - Other:
- Other A complete inventory of Franklin Street Trees had been completed in 2010. We would like to purchase an tree management software program to streamline access and updating of the date.

Note: Your Cost Estimate Worksheet on pages 5 - 6 of this application must include costs for all project components described above. Project components described but not included on the Cost Estimate Worksheet will be excluded from the evaluation and rating of your grant application.

Urban Forestry Grant Application

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Total Project Cost: \$ 50,000

(Fill in amount from box **A** on the Cost Estimate Worksheet, page 6 of the application)

Total Grant Request: \$ 25,000

(Fill in amount from box **E** on the Cost Estimate Worksheet, page 6 of the application)

For the following questions use additional sheets as needed.

1. Is there any financial assistance from any other state or federal source(s) that have been, are, or may be involved in this project?

Yes No

If yes, list all other state or federal financial assistance, the source(s) and dollar amount(s)

2. For each category (a - e) below, check the one box that best describes your municipality's current level of urban forest program management.

Note: Counties and 501(c)(3) organizations omit this question UNLESS your project directly serves one or more cities, villages, towns, tribes. Contact the urban forest program manager for that municipality to complete the table below to reflect that municipality's current level of urban forest program management.

Name of municipality(ies): _____

a. community tree inventory &/or canopy assessment

We have a current & complete inventory that guides our community tree planting, maintenance & removal decisions & priorities.

Our inventory is incomplete or needs upgrading/updating. It is marginally useful for guiding our ongoing community tree planting, maintenance & removal decisions & priorities.

We have no formal inventory, assessment or other written records of our trees.

Comment (optional):

Our inventory is complete but needs updating ease of access is cumbersome and difficult for someone without extensive computer knowledge. We would like to purchase a software program to help with this problem.

b. urban forest management plan

We have a current, useful, written, inventory-based urban forest management plan.

Our inventory-based, written urban forest management plan is incomplete or out of date. It is marginally useful as a planning tool.

We do not have a written urban forest management plan based on tree inventory data or on similar forest resource assessment.

Comment (optional):

Please reference our Emerald Ash Borer Readiness Plan pages 53, and 54 as it pertains to our plan of action. Please reference our Street Tree Inventory Report & Management Plan pages 6-8 relating to species frequency, and pages 12-14 relating to Species Distribution. Information is provided from inventory data from January, 2011. An updated species frequency will be provided in winter of 2013.

c. program staffing

Public tree planting, maintenance & removal is done by staff, tree service contractors &/or volunteers who have a forestry degree, ISA certified arborist credentials, have completed WI CTMI or have other advanced forestry training.

Provide name(s), title(s) & credentials:

Public tree planting, maintenance & removal is done by staff, tree service contractors &/or volunteers who have experience or on-the-job training, but lack a forestry degree, ISA certified arborist credentials or comparable advanced forestry training.

Comment (optional):

Most staff has on-the-job training and have been involved in numerous day long classes and in the field training, except for Thomas Riha, who is an ISA Certified Arborist, CTMI graduate; B.S. degree in Urban Forestry from University of Wisconsin - Stevens Point

d. tree ordinance

We have one or more tree ordinance(s) that is/are useful for achieving community tree care and management goals.

Our tree ordinance(s) is/are out-of-date or inadequate. Tree management, care and protection language is seldom enforced &/or does not address current tree management issues.

Our code of ordinances contains no provisions for tree management, care or protection. Tree language is limited to nuisance abatement.

Comment (optional):

Chapter 240 - Trees, Ordinance 97 -1461, adopted August 5, 1997. The current ordinance is out dated and needs updating, and does not address current management issues relating to Emerald Ash Borer.

e. advocacy

We have an authorized citizen tree board or other organized group actively involved in advising a program of community tree care and protection.

We have various groups (clubs, schools, committees) interested and involved in community tree care and management but not formally charged with advising a program of community tree care and protection - OR - We have an authorized but inactive citizen tree board.

The level of involvement and support by residents and local elected officials for community tree care and management is low to non-existent.

Comment (optional):

Environmental Commission was established in January, 2000

3. Describe each of the following public awareness aspects of this project:

a. Citizen involvement in project planning, development and/or implementation

b. Public education (classes, tree walks, seminars, etc.)

Information booths have been set up at various community gatherings, such as National Night Out and the Civic Celebration.

c. Public information (news articles, videos, brochure or flyer development/purchase, etc.)

Information on EAB is sent to residents in our quarterly newsletter as well as on our city website. Before removal and planting operations start we inform the resident about our processes. This includes information on EAB and where it continues to spread throughout the city. Informational brochures are also available to the public at the DPW and City Hall.

Note: Your Cost Estimate Worksheet on pages 5 -6 of this application should include costs for public awareness aspects described above.

4. Will partners such as civic/business groups, other communities, neighborhood organizations, utilities, schools, developers, etc. be involved in this project? (funding, promoting, planning, implementing)

Yes No If yes, please answer the following:

a. What partners will be involved in this grant project?

b. Specify whether each is a new or existing partnership.

c. What specific service, product, or role will each partner contribute to the project?

5. How will this project contribute to long-term sustainability of your community forest?

This project will contribute to the long-term sustainability of our community forest in a variety of ways.

- We will be able to replenish the trees lost quicker to return our tree canopy cover to previous conditions.

- We will be able to keep up with removals to reduce the risk of injury to the general public.

- It will alleviate the burden of planting replacement trees so we can continue to stock new development areas with trees.

6. Is your community, or the community where your project will be carried out, a Tree City USA? (See www.arboday.org/programs/treeCityUSA/index.cfm.)

Yes No If yes, specify which Growth Award category(ies) and eligible activity(ies) this project will help satisfy, if any. (See www.arboday.org/programs/treeCityUSA/growthAwards.cfm.)

Growth Award Category

Eligible Activity Code



7. List any specific urban tree care or tree management training received or conferences attended by your organization's staff or volunteers during the past year. Include any training taken in preparation for undertaking this project.

Date	Course Title	Training Description	Provider	Attendees
6-2012	CTMI	DNR sponsored tree management course	WI DNR	Thomas Riha
1/29/2012	WAA/DNR Conf.	Urban Forestry	WAA/WI DNR	Thomas Riha

8. Describe any additional significant aspects or outstanding features of this project that you would like us to know about. Emerald Ash borer was detected in Franklin in 2009. Since then we have been removing and replacing trees closest to the infestation. During the summer of 2012 Emerald Ash borer had spread through half of the city. We feel that within the next 1-2 years we will see widespread infestations throughout the entire city. This also coincides with the past experiences of other communities relating to the peak population of the beetles. If this continues to be the case we will not be able to keep up with removals, and we will incur a backlog of trees to be planted.

Currently all the planting and removals are done in house with city staff. The starting ash population of curbside city trees was 3,000 at the time of the inventory in 2010. There are an additional 3,000 native green ash within rural road right-of-ways. Since that time we have removed 650 ash trees. Leaving us with 2,350 ash trees remaining on city streets. With the decline of ash trees on our rural roadways we will need to begin removing these trees for safety reasons.

The city currently plants twice a year in spring and fall. Our goal has been to plant 300 trees every year. Ash replacements make up close to 80% of the total trees planted. This really takes away from our ability to replace other tree species, or planting new tree sites.

Our planting goals for 2013 is to plant 300 or more trees to replace ash trees we will lose. All planting equipment and labor costs will be provided through the city's operating budget. We are asking for the grant money to be used for the purchase of diverse tree species. Our goal in 2013 is to remove approximately 400 ash trees primarily green ash from our streets. Green ash has proved to be the species most heavily infested by the Emerald Ash Borer. A vast majority of these trees have been infested or are near the high risk area of infestation. Another factor in the removal selection is that these trees are of large size and poor structure which suggests treatment options would be ineffective. We hope to also target smaller sized ash trees as these are easy to remove and replace without much aesthetic damage to property or the roadway. The city will try to retain our white ash trees with possible treatments in the future. These trees are in the size range of 8-14 inches, providing benefits to the city.

Species diversity is our biggest push with our street tree planting program. Ash, and maple comprise over 50% of our tree population. We are taking this unfortunate opportunity to replace these lost trees with a wide variety of other species. However these varieties are more expensive and hard to find compared to the traditional ash and maple varieties. We are currently avoiding any new planting of maple trees as this already breaks the 20% rule of diversity. With the increase of cost and availability we have been having to cut back on our planting numbers. This grant would benefit us greatly by allowing us to maintain our species diversity and planting goals for 2013.

We continue to educate the public through our website, newsletters, and information booths about the presence of Emerald Ash borer in our community. We hope this will help guide landowners in their decision making on treating or removing their trees. Informing people about this destructive beetle is important to the community in hopes we can slow and prevent the spread to other areas.

In 2010 a complete inventory was completed. This inventory has proved very useful in guiding our current management needs. The downside of our inventory is that it's very cumbersome to keep updated. Also the user friendliness is rather low. It takes an extensive computer/GIS background to navigate the current inventory. We would like to purchase a computer software program to address these problems. This would greatly improve our efficiency and accuracy of our current inventory going into the future.

Urban Forestry Grant Application

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Urban Forestry Grant Application

Form 8700-298 (R 09/12)

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9. Cost Estimate Worksheet (instructions are on page 11 of the grant application guidelines)

USE A SEPARATE WORKSHEET FOR EACH COMPONENT CHECKED ON PAGE 1 OF YOUR APPLICATION.

If more space is needed in Column 1, type "See Attached Document" in space provided and create separate MS Word compatible document providing the project tasks as needed.

Project Component: Planting	Estimated Cost	Donation Value
Labor & Services (specify project tasks on lines below, as appropriate)		
Applicant's Staff:		
Fringe Benefits:		
Other:		
Other		
Consultants/Contractors/other hired project labor:		
Volunteers/donated services:		
Laborer (\$8.00/hr):		
Other project workers (\$16.00/hr):		
Equipment (specify type of equipment and DOT class code on lines below, as appropriate) See page 13 of application guidelines for a list of commonly used equipment codes.		
Purchased:		
Rented or Contracted:		
Provided by Applicant: Backhoes, Trucks.		
Donated by third parties:		
Supplies (specify items on lines below, as appropriate)		
Purchased: Trees 300 trees x \$135.00 per tree	\$40,500.00	
Stakes, and Straps	\$2,500.00	
Provided by Applicant: Mulch, Topsoil		
Donated by third parties:		
Other (specify):		
Estimated Cost/Donation Value for THIS component:	1.	2.
SUBTOTAL -- Add Box 1 and Box 2:	3.	

Two copies of this component sheet are included here. Please copy this sheet as necessary for additional project components.

Urban Forestry Grant Application

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9. Cost Estimate Worksheet *(instructions are on page 11 of the grant application guidelines)*

USE A SEPARATE WORKSHEET FOR EACH COMPONENT CHECKED ON PAGE 1 OF YOUR APPLICATION.

If more space is needed in Column 1, type "See Attached Document" in space provided and create separate MS Word compatible document providing the project tasks as needed.

Project Component: Tree Management Software	Estimated Cost	Donation Value
Labor & Services (specify project tasks on lines below, as appropriate)		
Applicant's Staff:		
Fringe Benefits:		
Other:		
Other		
Consultants/Contractors/other hired project labor:		
Volunteers/donated services:		
Laborer (\$8.00/hr):		
Other project workers (\$16.00/hr):		
Equipment (specify type of equipment and DOT class code on lines below, as appropriate See page 13 of application guidelines for a list of commonly used equipment codes.)		
Purchased:		
Rented or Contracted:		
Provided by Applicant: Computer		
Donated by third parties:		
Supplies (specify items on lines below, as appropriate)		
Purchased: Tree Management Software	\$7,000.00	
Provided by Applicant: GIS support from city staff		
Donated by third parties:		
Other (specify):		
Estimated Cost/Donation Value for THIS component:	1.	2.
SUBTOTAL -- Add Box 1 and Box 2:	3.	

Two copies of this component sheet are included here. Please copy this sheet as necessary for additional project components.

9. Cost Estimate Worksheet (instructions are on page 11 of the grant application guidelines)

USE A SEPARATE WORKSHEET FOR EACH COMPONENT CHECKED ON PAGE 1 OF YOUR APPLICATION.

If more space is needed in Column 1, type "See Attached Document" in space provided and create separate MS Word compatible document providing the project tasks as needed.

Project Component:	Estimated Cost	Donation Value
Labor & Services (specify project tasks on lines below, as appropriate)		
Applicant's Staff:		
Fringe Benefits:		
Other:		
Other		
Consultants/Contractors/other hired project labor:		
Volunteers/donated services:		
Laborer (\$8.00/hr):		
Other project workers (\$16.00/hr):		
Equipment (specify type of equipment and DOT class code on lines below, as appropriate See page 13 of application guidelines for a list of commonly used equipment codes.)		
Purchased:		
Rented or Contracted:		
Provided by Applicant:		
Donated by third parties:		
Supplies (specify items on lines below, as appropriate)		
Purchased:		
Provided by Applicant:		
Donated by third parties:		
Other (specify):		
Estimated Cost/Donation Value for THIS component:	1. \$50,000.00	2.
SUBTOTAL -- Add Box 1 and Box 2:	3. \$50,000.00	

Two copies of this component sheet are included here. Please copy this sheet as necessary for additional project components.

9. Cost Estimate Worksheet (instructions are on page 11 of the grant application guidelines)

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Project Component:	Estimated Cost	Donation Value
Labor & Services (specify project tasks on lines below, as appropriate)		
Applicant's Staff:		
Fringe Benefits:		
Other:		
Other		
Consultants/Contractors/other hired project labor:		
Volunteers/donated services:		
Laborer (\$8.00/hr):		
Other project workers (\$16.00/hr):		
Equipment (specify type of equipment and DOT class code on lines below, as appropriate See page 13 of application guidelines for a list of commonly used equipment codes.)		
Purchased:		
Rented or Contracted:		
Provided by Applicant:		
Donated by third parties:		
Supplies (specify items on lines below, as appropriate)		
Purchased:		
Provided by Applicant:		
Donated by third parties:		
Other (specify):		
Estimated Cost/Donation Value for THIS component:	1.	2.
SUBTOTAL -- Add Box 1 and Box 2:	3.	

Two copies of this component sheet are included here. Please copy this sheet as necessary for additional project components.

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Project Component:	Estimated Cost	Donation Value
Labor & Services (specify project tasks on lines below, as appropriate)		
Applicant's Staff:		
Fringe Benefits:		
Other:		
Other		
Consultants/Contractors/other hired project labor:		
Volunteers/donated services:		
Laborer (\$8.00/hr):		
Other project workers (\$16.00/hr):		
Equipment (specify type of equipment and DOT class code on lines below, as appropriate See page 13 of application guidelines for a list of commonly used equipment codes.)		
Purchased:		
Rented or Contracted:		
Provided by Applicant:		
Donated by third parties:		
Supplies (specify items on lines below, as appropriate)		
Purchased:		
Provided by Applicant:		
Donated by third parties:		
Other (specify):		
Estimated Cost/Donation Value for THIS component:	1.	2.
SUBTOTAL -- Add Box 1 and Box 2:	3.	

Two copies of this component sheet are included here. Please copy this sheet as necessary for additional project components.

Urban Forestry Grant Application

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9. Cost Estimate Worksheet (instructions are on page 11 of the grant application guidelines)

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Project Component:	Estimated Cost	Donation Value
Labor & Services (specify project tasks on lines below, as appropriate)		
Applicant's Staff:		
Fringe Benefits:		
Other:		
Other		
Consultants/Contractors/other hired project labor:		
Volunteers/donated services:		
Laborer (\$8.00/hr):		
Other project workers (\$16.00/hr):		
Equipment (specify type of equipment and DOT class code on lines below, as appropriate See page 13 of application guidelines for a list of commonly used equipment codes.)		
Purchased:		
Rented or Contracted:		
Provided by Applicant:		
Donated by third parties:		
Supplies (specify items on lines below, as appropriate)		
Purchased:		
Provided by Applicant:		
Donated by third parties:		
Other (specify):		
Estimated Cost/Donation Value for THIS component:	1.	2.
SUBTOTAL -- Add Box 1 and Box 2:	3.	

Two copies of this component sheet are included here. Please copy this sheet as necessary for additional project components.

Urban Forestry Grant Application

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Project Component:	Estimated Cost	Donation Value
Labor & Services (specify project tasks on lines below, as appropriate)		
Applicant's Staff:		
Fringe Benefits:		
Other:		
Other		
Consultants/Contractors/other hired project labor:		
Volunteers/donated services:		
Laborer (\$8.00/hr):		
Other project workers (\$16.00/hr):		
Equipment (specify type of equipment and DOT class code on lines below, as appropriate See page 13 of application guidelines for a list of commonly used equipment codes.)		
Purchased:		
Rented or Contracted:		
Provided by Applicant:		
Donated by third parties:		
Supplies (specify items on lines below, as appropriate)		
Purchased:		
Provided by Applicant:		
Donated by third parties:		
Other (specify):		
Estimated Cost/Donation Value for THIS component:	1.	2.
SUBTOTAL -- Add Box 1 and Box 2:	3.	

Two copies of this component sheet are included here. Please copy this sheet as necessary for additional project components.

10. Cost Estimate Worksheet (instructions are on page 11 of the grant application guidelines)

CALCULATIONS

Grant Calculation	Estimated Cost
A. Add the Subtotals in Box 3 for ALL PROJECT COMPONENTS. This is your TOTAL Project Cost. Enter this amount at the top of Page 2 of this Grant Application.	\$50,000.00
B. Add the estimated donation value from Box 2 for ALL PROJECT COMPONENTS:	
C. Subtract Line B from Line A:	
D. Multiply the amount on Line A x 50% (Don't enter more than \$25,000):	
E. Enter the smaller of Line C or Line D above. This is your GRANT REQUEST . (Must be between \$1,000 and \$25,000.) Enter this amount at the top of Page 2 of this Grant Application.	\$25,000.00
F. Subtract the amount on Line E from the amount on Line A. This is your MATCH	

Section III: Resolution for Urban Forestry Grant Program

Provide a signed resolution that has been adopted by the applicant's governing body which gives the name of the applicant, authorizes funding for the project, designates an authorized representative (position title) to act on behalf of the applicant and states that the applicant will provide documentation of work done and follow all relevant state and federal rules. A sample resolution is provided on page 29 of the grant application guidelines.

Section IV: Certification

I hereby certify to the best of my knowledge, the information contained in this application and application attachments are correct and true. I understand and agree that any grant monies awarded as a result of this application shall be used in accordance with ch. 23.097, Wis. Stats., and ch. 47, Wis. Adm. Code.

Applicant or Authorized Representative (print)	Title
Signature of Applicant or Authorized Representative	Date Signed

Submitting your application:

Include the separate document with your application form either as a paper copy if you are mailing or hand delivering your application or include the separate document as an electronic attachment if you are submitting your application by email. Due October 1st.

From: EMERALD ASH BORER READINESS PLAN

- Set up procedures for certifying chemical treatment of public trees by private landowners, with the understanding that such treated trees will be removed by the City if they subsequently become infested.
- Selectively remove uninfested ash based on size and condition factors
- Treat, dispose and/or utilize infested wood within the quarantine or through compliance agreements
- Introduce parasitoids

General Management Recommendations

These recommendations reflect application of the best science and experience currently available to minimize the impact of EAB on Wisconsin's urban forests.

1. At a minimum, all communities should conduct a street tree and hi-use park tree inventory and determine the potential impact of ash mortality on their budget (removal, disposal, replanting). However, an inventory of all public and private trees will provide a more complete picture of the economic, social and environmental impact of EAB on the community.
2. All communities should have their staff trained in recognizing EAB symptoms and signs.
3. All communities should educate and involve their residents and businesses in EAB prevention, detection and management.
4. All communities should review their ordinances to make sure they have the authority they need to reduce the risk of introducing EAB and to respond to EAB when it arrives.
5. All communities should begin removing existing poor condition, high-risk ash trees.
6. All communities with greater than 10% ash should develop and begin implementing a plan for preemptive ash removal and/or targeted preventive pesticide treatment.
7. All communities should begin working with their local nurseries to supply a diverse variety of replacement tree species.
8. Communities should avoid planting tree genera and species that are already over-represented in their urban forest.
9. Communities should take steps to improve and protect their existing tree canopy.

Plan of Action for Franklin (Eight Year Projection)

In order to be better to manage the public ash population now that EAB has arrived in the City, the following recommendations are being made. These recommendations should be initialized at the earliest possible date. The goal of these recommendations is to reduce the public ash population to a more manageable level, plus protect the most valuable public ash trees.

In addition, City staff needs to assess the level of competency of personnel for safe tree removal and chemical application. Is the staff trained in identifying signs and symptoms of EAB damage? Do we have enough or the correct tree equipment and what about added maintenance cost? Are there qualified tree care firms available to perform a majority of the treatment and removal work that will be required? What programs will have to be reduced or curtailed so adequate staffing is available to manage the infestation?

Listed below is the proposed Action Plan for ash located in the street rights-of-way for a eight-year period:

1. **Prioritized Preemptive Removals, Treatments and Replanting – Terrace Trees** (See Appendices C and PDF)

1. Remove and replace all ash that have been identified as “Remove” from the GIS inventory, 30 trees total.
2. Over a eight year period, remove and replace with a diversity of species all remaining terrace ash trees with the exception of those ash with diameters 4” DBH and greater and having a condition rating of 70% or greater (136 trees). Removals should be prioritized by removing the lowest condition class trees first, along with ash trees in the area bordered by 27th Street, Ryan Road, 51st Street and Puetz Road. The work plan should generally start with trees located in the southeast end of the City, nearest the known infestation sites in Oak Creek and Franklin; then progressing north and west in succeeding years.
3. Selectively, chemically treat ash (136 trees) that are 4” DBH or greater and have a condition rating of 70% or greater based on size, location, condition or a combination of factors. Treatment would be by soil injection, with annual applications.
4. **Implementation Cost - \$1,723,197 or approximately \$215,400 per year.**
5. The above figures are based on the following unit pricing:

Removal Cost

DBH	Cost / Inch DBH
0 – 10”	\$13.38
10 – 24”	\$21.30
24 – 40”	\$30.00

Treatment Cost

\$4.00 / Inch DBH

Replacement Cost

\$400 / tree

From: STREET TREE INVENTORY REPORT & MANAGEMENT PLAN

This larger width creates many options when selecting species to plant and is a feature that many municipalities do not have. The larger planting areas in most sites will allow a wider variety of trees to be planted and will help the City of Franklin to have healthier trees.

In all, 10,384 (93.8%) of the 11,037 street tree sites in the inventoried areas have trees or stumps. This is an extremely higher stocking level than for most communities. A point of clarification is needed at this juncture; no vacant planting sites along streets that currently have ditches were inventoried as part of this project. The City's current policy focuses on the planting and management of public trees that are located along improved streets, those with curbs and gutters. Including rural roads, those with ditches, would significantly change the percentage stocking level for the City.

Emphasis should continue to be placed on new tree plantings, using greater species diversity in the planting site selection process. Since stocking is at an extremely high level, an opportunity presents itself in allowing superior species to be planted as planting monies become available and undesirable and ash species are removed from the street tree population.

3. Species Frequency

Providing for species and age diversity in the urban forest are the two most significant ways to reduce the impact of a destructive pest or disease. Dutch elm disease should have taught us this lesson, but we weren't listening. The current rule of thumb is "no more than 30% of one family, 20% of one genus and 10% of one species." The DNR, University of Wisconsin and urban forestry profession representatives have recently provided the following recommendation to consider in striving for greater species diversity. "No more than 20% in one family, no more than 10% in one genus and no more than 5% of any single species, including cultivars and varieties."

Shown below is an example of how this works:

Plant no more than 20% of a family: i.e. Aceraceae

Plant no more than 10% of a genus: i.e. Acer × freemantii, Acer rubrum, Acer platanoides, Acer miyabei, Acer saccharum, etc.

Plant no more than 5% of a species: i.e. Acer platanoides

Optimally, try to have the greatest diversity of species that can be managed. Start planning now for a more diverse urban forest. Finding a wider variety of species will be harder and more expensive, but it is worth it. Work with local nurseries to come up with innovative solutions. Educate policy makers on the necessity to do it right, not fast and cheap. In the long run this will save money, time, and effort and the benefits a healthy, sustainable urban forest provides.

The 10,316 existing street trees are made up of 94 different species and 45 genera. The top six break down as follows:

Fraxinus pennsylvanica	Green Ash	2368 trees	23.0%
Acer platanoides	Norway Maple	2084 trees	20.2%
Gleditsia triacanthos inermis	Honeylocust	887 trees	8.6%
Acer x freemanii	Freeman Maple	672 trees	6.5%
Fraxinus americana	White Ash	638 trees	6.2%
Tilia americana 'Redmond'	Redmond Linden	477 trees	4.6%
	Total	7126 trees	69.1%

See **Appendix B**, Species Frequency-Streets, for the entire break down.

It is unfortunate to see that four of these six species (Acer and Fraxinus) break the “10% Rule for Genus” where no one genus should make up more than 10% of the street tree population. It is imperative that more species on the recommended street tree species list be planted (see **Appendix C**). With only six species of trees making up such a large portion (69.1%) of the population, any problems with one of these species will have a big impact on the City of Franklin’s urban forest and budgets. No one genus should make up more than 10% of the population. All future planting projects need to expand on this initiative by adding even more diversity and quantities to the species mix. Several additional species to consider adding to the planting list include: more Swamp White Oaks and Hybrid elms; Amur Corktree, Yellow and Ohio Buckeye, Japanese Tree Lilac, Ironwood, Washington and Cockspur Hawthorn, Kentucky Coffeetree, and Korean Mountain-ash.

A concern with Ash species (Green and White combined total 3,006 trees or 29.1% of the sampled population) being the number two genus in the population is the number of disease and insect problems they can contract. Although most will not cause the tree’s demise, they can be a nuisance. Native ash borers, flower gall mites and plant bugs are the most common insect pests of Ash, while anthracnose and ash yellows lead the list of diseases.

The biggest threat to the native ash population is Emerald Ash Borer (EAB). This is an exotic woodborer that was found attacking and killing ash trees in Michigan during 2002. Since its detection, EAB has killed millions of ash trees and is now found in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin and Quebec and Ontario provinces in Canada. EAB is easily spread through the movement of firewood, logs and nursery stock. A pocket of EAB already exists in the City. It is recommended that a five year moratorium be placed on future Ash plantings until the full impact of this pest is better understood.

Now that EAB has arrived in Wisconsin, the Wisconsin Department of Agriculture, Trade and Consumer Protection is delimiting the extent of infestations as they are discovered, quarantining the affected areas, and developing plans of action based on the infestation and available resources. Removal will most likely be the responsibility of municipalities and private residents per their local ordinances.

With Norway Maple having an high frequency (20.2%), a concern is their tendency to develop girdling roots. This is a combination of a nursery problem and a characteristic of the species. The girdling roots tend to kill the trees about 20 - 25 years after planting, just as the trees are getting nice sized. This species because of its opposite branching habit has the propensity to develop co-dominant stems and included bark. If left unchecked by not performing timely training pruning when the trees are young, serious structural issues can develop. Weak branch unions lead to this species being more susceptible to large branch failure in storms. They also can become invasive through seed dispersal and germination in unwanted areas. For these reasons, Norway maples are not highly desirable street trees.

Conifers account for (511 trees) greater than 4.9% of the population. A majority of these trees are located on streets where there is no curb and gutter or sidewalk. Conifers should not be used for street trees because of view and clearance obstructions in most street settings. Seventy-eight (78) of these trees currently are creating obstructed view potentials or clearance issues.

Another concern is Silver Maple, which make up (113 trees or 1.1%) of the total population with 21 being 20" DBH or larger. This is a poor street tree because it is very weak wooded, grows with a poor form and has surface roots. There is a higher probability of storm damage due to their very poor form. This is not a recommended species and extra focus will be needed on these trees (**Appendix C** lists undesirable as well as desirable trees).

In most instances, the conifers and Silver Maple that are growing in the street right-of-way were planted by the abutting property owner or previous owner. This is a particular problem where sidewalks are non-existent and the property owner is unaware of how far back from the back of the curb is the right-of-way line.

It is important to increase the number of small scale trees, currently at 483 trees or 4.7% of the current population. Some smaller scale trees to add to mix include: Hawthorn, Hophornbeam, Korean Mountain Ash, Japanese Tree Lilac, Serviceberry, Turkish Filbert. Most of this listing is suitable for bare root planting. These are important to use in areas with power lines where shorter trees are preferred or in smaller growspaces (< 5').

When using Crabapples, more varieties should be incorporated to add variability. Since Crabapple makes up almost 40% all of the smaller scale street tree population, disease resistant varieties of crabapples with persistent fruit should continue to be used.

4. Size Class Distribution

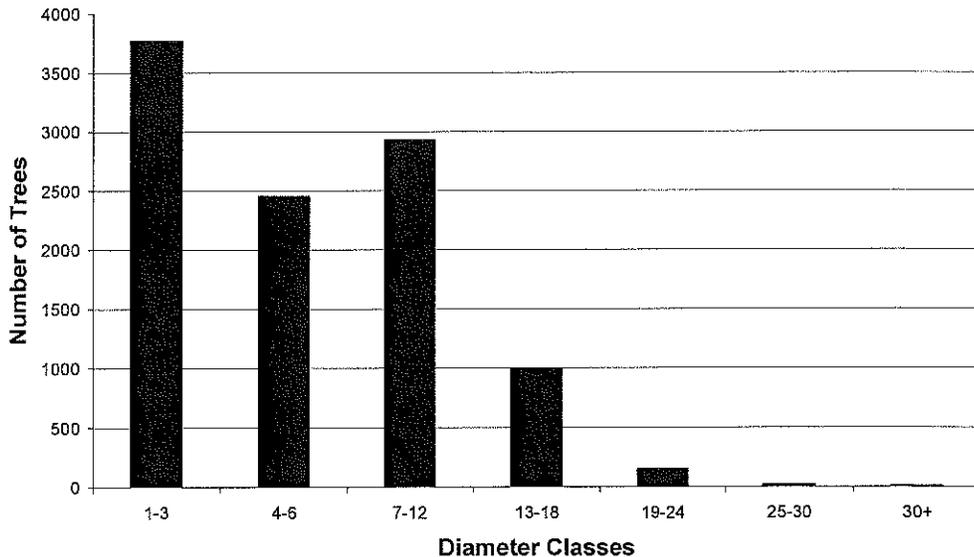
The City of Franklin's street tree inventory shows a fairly young-aged street tree population, 88.7% of the trees are in either the three lowest diameter classes (see **Figure 1**). From the aspect of future maintenance this is good because many of the problems with form and structure can be corrected with regular maintenance while the trees are still relatively young. This also extends tree life and reduces future maintenance costs as they

reach maturity. This is also reflected in the fact that *Training Pruning* is the most recommended maintenance procedure over the next 5 years with 53.2% of the trees needing it. The overall condition of smaller sized trees can be improved for less expense than with larger trees where poor structure and form have gotten to the point that they are no longer correctable.

It is obvious that the City has undertaken a major planting initiative over the last 10 to 15 years based on the high number of trees in the 1-3", 4-6" and 7-12" size class. There is a significant drop-off after 12" but that will change with time as smaller trees move up in size classes. The distribution of size classes is not as even as would be desired. The desired size class distribution should mirror a "bell-shaped" curve with 60 to 70% of the trees falling in the 7-12", 13-18", and 19-24" classes respectively.

Figure 1

Size Class Distribution of Street Trees



5. Condition & Maintenance

A greater commitment needs to be placed on street tree pruning. It is recommended that the City establish a five to seven year pruning cycle in order to improve the condition rating of many of the trees in the street tree population (see **Table 1** – Trees per Condition Class and Diameter Class).

Of the young trees (1-12" in diameter) 53.3% of the population in these three diameter classes are in one of the top three condition classes (above 70%). Some of the larger diameter trees in this group may not need further training pruning while others that are having difficulty becoming established may need to be removed.

There is opportunity to improve these condition ratings because younger trees do tend to

health of the tree by leaving as much foliage on the tree as possible, while meeting the necessary street side clearance requirements. The young trees should be raised as they become established to prevent these problems (part of training pruning). Be sure not to elevate too much at one time, or the tree's health can be severely affected. Preventative maintenance is performed on equipment (trucks, etc.) even though they are losing value. What better investment than maintenance on trees which increase in value!

6. Street Tree Value

Table 2 breaks down the value of the trees by species. This *trunk formula method* was developed and approved by the International Society of Arboriculture and Council of Tree and Landscape Appraisers, 7th edition. This is not the newest version, because the newest version does not lend itself to this format (it is more for individual landscape tree use). A figure of \$24.35/sq.inch of diameter area (average value of a 3" B&B nursery purchased tree in the Franklin metro area) is multiplied by a species (%) value (determined by species rating guides published by various upper Midwestern states), a location value (60% for street trees in primarily residential areas with moderate stocking) and the condition (%) value determined by field observations and data.

This trunk formula method is limited in assigning proper values to trees in the 1" to 2" DBH ranges due to the low square inch diameter product produced. An example of a 1" DBH tree calculation would be: 1" times 1" equals 1 sq. in. of diameter area, multiplied by \$24.35 giving a basic tree value of \$24.35 before species, location, and condition deductions are factored in. Whereas a 3" DBH tree 3" times 3" equals 9 sq. in. of diameter area, multiplied by \$24.35 gives a basic tree value of \$219.15. A 2" DBH tree would have a basic value of \$97.40.

Total street tree value for the inventory of the City of Franklin is \$3,018,009.30. This equates to an average value of \$292.56 for each inventoried tree along the City's streets. Given slightly higher condition classes, and 5 to 10 more years of growth to boost diameter and height, then it becomes obvious that the value of the City of Franklin's urban forest would be even higher.

Table 2 City of Franklin Street Tree Valuation Report

Value Average by Species

Common Name	Species Count	Total Value of Species	Average Species Value
Alder Spp.	1	\$499.58	\$499.58
American Basswood	29	\$13,730.62	\$473.47
American Elm	6	\$4,150.00	\$691.67
Amur Chokecherry	1	\$187.86	\$187.86
Amur Maple	14	\$5,564.57	\$397.47
Apple Spp.	4	\$1,303.78	\$325.94
Austrian Pine	38	\$17,594.13	\$463.00
Baldcypress	1	\$1,180.14	\$1,180.14

Common Name	Species Count	Total Value of Species	Average Species Value
Balsam Fir	8	\$353.01	\$44.13
Basswood Spp.	67	\$3,112.53	\$46.46
Birch Spp.	3	\$67.44	\$22.48
Bitternut Hickory	1	\$20.64	\$20.64
Black Cherry	6	\$1,705.42	\$284.24
Black Hills Spruce	2	\$12.04	\$6.02
Black Locust	2	\$304.15	\$152.08
Black Spruce	4	\$146.80	\$36.70
Black Walnut	7	\$3,017.80	\$431.11
Boxelder	42	\$4,757.57	\$113.28
Bur Oak	34	\$14,926.08	\$439.00
Callery Pear Spp.	100	\$9,228.30	\$92.28
Cherry and Plum Spp.	83	\$4,660.02	\$56.14
Cockspur Hawthorn	1	\$30.97	\$30.97
Colorado Spruce	185	\$91,014.96	\$491.97
Crab Apple Spp.	193	\$33,457.62	\$173.36
Cucumber tree	1	\$5.62	\$5.62
Dogwood Spp.	1	\$0.00	\$0.00
Eastern Cottonwood	20	\$21,124.25	\$1,056.21
Eastern Redbud	6	\$394.18	\$65.70
Eastern Redcedar	1	\$3,256.24	\$3,256.24
Eastern White Pine	18	\$2,804.65	\$155.81
Elm Spp. (Hybrid)	155	\$6,148.79	\$39.67
English Oak	60	\$2,149.95	\$35.83
European Hornbeam	1	\$20.64	\$20.64
Fraser Fir	1	\$252.89	\$252.89
Freeman Maple	672	\$46,947.51	\$69.86
Ginkgo	60	\$2,477.79	\$41.30
Glossy Buckthorn	1	\$23.86	\$23.86
Green Ash	2368	\$1,126,497.05	\$475.72
Hackberry	254	\$84,911.58	\$334.30
Hawthorn Spp.	32	\$9,636.07	\$301.13
Honeylocust (Thornless)	887	\$392,648.58	\$442.67
Horsechestnut	2	\$595.23	\$297.62
Ironwood	1	\$322.96	\$322.96
Jack Pine	3	\$1,697.39	\$565.80
Japanese Tree Lilac	18	\$4,003.55	\$222.42
Juniper Spp.	12	\$644.66	\$53.72
Kentucky Coffeetree	84	\$1,122.57	\$13.36
Larch (Introduced)	1	\$6.42	\$6.42
Lilac Spp.	1	\$22.48	\$22.48
Littleleaf Linden	362	\$96,879.84	\$267.62
Magnolia Spp.	11	\$742.61	\$67.51
Maple Spp.	225	\$5,777.89	\$25.68

Common Name	Species Count	Total Value of Species	Average Species Value
Mountain-Ash Spp.	2	\$191.07	\$95.54
Mulberry Spp.	4	\$961.55	\$240.39
Northern Red Oak	70	\$34,499.22	\$492.85
Northern White-Cedar	51	\$2,814.91	\$55.19
Norway Maple	2084	\$478,195.99	\$229.46
Norway Spruce	15	\$10,300.58	\$686.71
Oak Spp.	57	\$1,192.19	\$20.92
Ohio Buckeye	1	\$49.55	\$49.55
Pagoda Dogwood	3	\$17.26	\$5.75
Paper Birch	27	\$3,633.04	\$134.56
Pear Spp.	9	\$152.54	\$16.95
Pin Oak	1	\$14.91	\$14.91
Pine Spp.	9	\$712.10	\$79.12
Poplar Spp.	6	\$215.39	\$35.90
Quaking Aspen	35	\$1,134.21	\$32.41
Red Maple	126	\$23,215.93	\$184.25
Red Pine	5	\$1,975.97	\$395.19
Redmond Linden	477	\$57,508.94	\$120.56
River Birch	19	\$2,811.70	\$147.98
Russian-Olive	2	\$1,822.97	\$911.49
Scotch Pine	12	\$7,978.53	\$664.88
Serviceberry	17	\$629.12	\$37.01
Shagbark Hickory	10	\$9,195.15	\$919.52
Shubert Cherry	21	\$1,868.62	\$88.98
Siberian Elm	9	\$1,839.37	\$204.37
Silver Linden	3	\$55.05	\$18.35
Silver Maple	113	\$52,312.58	\$462.94
Smoketree	1	\$43.35	\$43.35
Spruce Spp.	5	\$95.94	\$19.19
Sugar Maple	101	\$11,392.70	\$112.80
Swamp White Oak	115	\$5,247.69	\$45.63
Sweetgum	1	\$101.16	\$101.16
Sycamore	1	\$185.45	\$185.45
White Ash	638	\$217,306.38	\$340.61
White Fir	8	\$3,049.34	\$381.17
White Oak	17	\$34,005.20	\$2,000.31
White Poplar	3	\$1,560.17	\$520.06
White Spruce	127	\$20,045.60	\$157.84
Willow	13	\$6,435.40	\$495.03
Yellow-Poplar	2	\$638.24	\$319.12
Yellowwood	1	\$295.04	\$295.04
Yew Spp.	5	\$167.90	\$33.58
TOTALS	10316	\$3,018,009.30	\$292.56

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 10/2/12
Reports & Recommendations	SUBJECT: Reject award of contract to the low bidder, LaLonde Contractors, Inc., for the installation of concrete sidewalk on S. 51st Street from W. Minnesota Avenue south 2,200 feet to the entrance to Clare Meadows	ITEM NO. <i>G.8.</i>

BACKGROUND

The Common Council at their 9/4/2012 meeting approved the award of this project contract, subject to the City receiving Milwaukee County Development Block Grant (CDBG) funding authorization by 9/17/2012. As of the time of this writing, federal funding action had not been received by Milwaukee County to fund this project. Milwaukee County is still awaiting final notice from HUD before they can release the contracts and funding.

ANALYSIS

It is believed this late (or later) of a start will not allow completing and restoring this project sufficiently prior to winter, which is the reason the contingent deadline was incorporated into the approval. Rather than commit this fall, it is recommended that this project be rebid after the first of the year for spring construction in 2013. Having failed to meet the conditions of approval, the award of the bid does not take effect. As such, there is no remaining action by the Common Council in effect relative to the bids received.

OPTIONS

Reject bid, rebid early next year.

FISCAL NOTE

The City should receive a financial commitment from the Community Development Grant (CDBG) funding for this project construction in 2013.

RECOMMENDATION

Motion to reject award of contract to the low bidder, LaLonde Contractors, Inc., and reject all other bids for the installation of concrete sidewalk on S. 51st Street from W. Minnesota Avenue south 2,200 feet to the entrance to Clare Meadows.

RJR/db

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/02/12
REPORTS & RECOMMENDATIONS	Committee of the Whole Recommendations	ITEM NUMBER

The Council may act on recommendations from the Committee of the Whole meeting on October 1, 2012.

- A. Mayor's recommended 2013 Budget (including all funds, departments, revenues, expenditures, and activities).

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/02/12
LICENSES AND PERMITS	MISCELLANEOUS PERMITS	ITEM NUMBER <i>H.1.</i>

See attached list from meeting of October 2, 2012.

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee

Agenda*

Alderman's Room

October 2, 2012 – 6:10 pm

1.	Call to Order & Roll Call	Time		
2.	License Application Reviews			
		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2012-13	Ambriz, Jose E 2232 S 16 th St Milwaukee, WI 53215 Little Cancun			
Operator 2012-13	Anders, Michael K 11060 Janesville Rd, Apt #6 Hales Corners, WI 53130 Romey's Place			
Operator 2012-13	Reed, Vicki L 11201 W Mayers Dr Franklin, WI 53132 Auntie's			
Operator 2012-13	Winkowski, Diane L 7024 S Lovers Lane Rd Franklin, WI 53132 St Martin of Tours			
Operator 2012-13	Winkowski, John P 7024 S Lovers Lane Rd Franklin, WI 53132 St Martin of Tours			
3.	Adjournment	Time		

*Notice is given that a majority of the Common Council may attend this meeting to gather information about an agenda item over which they have decision-making responsibility. This may constitute a meeting of the Common Council per State ex rel. Badke v. Greendale Village Board, even though the Common Council will not take formal action at this meeting.

APPROVAL <i>Slw</i> <i>CoP</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/2/12
Bills	Vouchers and Payroll Approval	ITEM NUMBER <i>I.1.</i>

Provided separately for Council approval is a list of vouchers Nos. 144397 through 144530 in the amount of \$ 847,455.74. Included in this listing is \$17,289.48 in library vouchers.

The net City vouchers for October 2, 2012 are \$ 830,166.26.

Approval is requested for the net payroll dated September 21, 2012 in the amount of \$ 362,404.12.

COUNCIL ACTION REQUESTED

Motion approving net City vouchers in the range 144397 through 144530 in the amount of \$830,166.26.

Approval is requested for the net payroll dated September 21, 2012 in the amount of \$362,404.12.